be returned to the Legis Section when done with and not to the Gl. Records

G.R.S. 37.]

2.12
Legis 53-79, 1-8

File No. 47-16

Serial Nos. 1-6

190

GENERAL AND REVENUE SECRETARIAT.

(Legislation) 166

Part A: Manuscript
for

~~Subje~~

Serial Nos. 1-6

Subject- Amendment of the Mysore Local Boards Regulation

GPB—5,000—20-3-06.

1916.

GENERAL AND REVENUE SECRETARIAT.

NOTES. Legislation

File No. 47-16

FILE HEADING.

Amendments to the Local Boards Regulation.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

A copy of the L. B. Regulation embodying
therein the several amendments in connection
with the development of the L. S. G. Scheme
relating to District and Taluk Boards
and also two other Amendments - in Reg 15(4)
and

Mel. 211-16-1 Legis 8-16

NOTES—First Sheet.

and 20(3) is submitted. After approval these amendments will be put in the form of a draft bill with a statement of objects and reasons. The Chapter relating to Village Panchayats will be drafted separately.

(Intd) H.V.K
19.5.1917

(Intd) B.S.
19.5.1917

Revert on Spl Duty

(3) This draft of Part I of the Local Boards and Village Panchayets Regulation has been prepared according to my directions. The second part will consist of the portion relating to Village Panchayets.

(3) Points for consideration in the additions and omissions. The main points in the added sections or omissions which require consideration are the following:-

(a) Section 3.(3)A).

Definition of Local Board. This includes both District and Taluk Boards but not Village Panchayets.

(b) Section 3.(4) and (4 A)

Definition of Village and Village

(c) Section 6 (1).

This has effect to the Gove

Order by making the Taluk Board a corporate body with power to raise loans.

(d) Section 7 (J).

This has been newly added in accordance with para 35 of the Government Order re: Local Self-Government Scheme. The phraseology in the G.O. consists of some redundancies which have been eliminated from this section as far as possible.

(e) Section 7 A.

This has been taken from Section 31 Bombay Act I of 1884 with a slight addition re: rules made by Government, gives effect to the Government Order in the essential points. The file relating to the differentiation of the functions of District and Taluk Boards under para 16 (3) of the order is being dealt with separately and will be put up for orders as soon as the main outlines are settled in the Regulation. The details will have to be settled by rules to be framed under the Regulation and may differ for each District. The file is linked to this for reference

Ho Boo 5-55-Jul 132-16-1
1916
Noted.
S.A.R.B.
21.5.1917

(f) Section 7 B.

This is taken from Section 97 of Madras Act V of 1884 to meet the requirements of the first part of para 18 of the Government Order

(g) Section 8.

This is taken from Section 31 of

Act I of 1884 with a slight addition about rules to be made by Government.

(h) Section 15 (4).

An addition has been made in accordance with the desire expressed by the Sanitary Commissioner as regards his attending the meetings of Municipal Councils. The file is put up with this for reference. Perhaps as stated in the G.O. of 1907 no such express legislative sanction is necessary as local boards would always be glad to avail themselves of the personal advice of the Sanitary Commissioner.

(i) Section 20 (2).

This has been omitted as it will be brought in the Chapter on Village Panchayets.

(j) Section 20. Clause 10.

A slight addition has been made to include assignments of taxes like the mohatarfa recently made over to District Boards.

Clause 12. This has been newly added in accordance with the second part of para 24 of the Government Order on the Local Self-Government Scheme.

Sub para 3 of Section 20. This has been amended in accordance with the report of the Local Self-Government Committee as approved in para 16 of the Order. The file on the subject is put up

May be omitted (Sd) A.R.B.

this is absolutely necessary now that the consti tution of the Taluk Boards has been revised.

Do

(b) Section 21 (2). It is also doubtful whether this is absolutely necessary and whether it does not follow as a necessary consequence an without an express statement to that effect.

(5) General remarks.

Part II should be expedited.

(a) In the first part all references to Unions and Panchayets have been omitted as a separate Chapter will be devoted to Village Panchayets.

(b) All the recommendations of the Local Sel Government Committee approved by Government in para 15 of the order and requiring legislative expression have been embodied in the Draft with a certain exception noted below. The rest can be brought under rules to be framed under the Regulation.

but when properly vests on the L.B. the should be empowered to remove (Sd) ARB 21.5.1917

The exception relates to the removal of obstructions and encroachments and certain sanitary powers. These cannot be included without considering the existing provisions on the subject, viz.- Sections 37 and 59 of the Land Revenue Code and the Village Sanitary Regulation and the rules thereunder. These latter appear to be sufficient for the present.

Second Member (Sd) V.R.T. 9.5.19

WJ 1233—GPB—60,000—1-12-16

Leg Dept NS

G. R. S. III-2.

General and Revenue Secretariat.

File No. of 191

Serial No.

Please send now to the Legislature Section for immediate action

(Sd) A R B

21.5.1917

Send copies of the Draft Bill and the Note to the Legislature Department

(Sd) V. R. T

21.5.1917

GENERAL JUDICIAL
22 MAY 1917

Leg Dept 1756-16

Sec III

Leg

22/5/17

Legis.

G.R.S. III—3]

L. S. & Misc 129-16

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft Bill of Chapter VI of the Local Boards Regulation dealing with Village Panchayats as amended by the 2nd Member of Council is sent to the Legislative Section for further action as ordered by the Hon'ble Member in charge Legislative Department on 8th Inst.

HK
28.5.1917

Legis 1812-16

GEN. SECRETARIAT
JUDICIAL
28 MAY 1917
Legis

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W.D. 84—GPB—60,000—20-7-16

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2

General and Revenue Secretariat.

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Serial No

Subd. A copy of the Regulation with the amendments suggested by the Local Self Government Branch worked into it has now been sent by that Branch. As the amendments proposed are numerous it is a point for consideration if instead of drafting an amending Bill shewing only the additions and alterations the whole Local Boards Regulation may not be repealed and replaced by a new regulation on the lines now suggested by the Local Self Government Branch. If this is approved a fresh Bill with the omissions and additions now proposed properly left out or added and properly renumbered will be submitted

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2.

General and Revenue Secretariat.

Legis File No. 47 of 1916.

Serial No.

further in the suggested amendments as now send the following points are noticeable

1. The terms "Sanitary Commissioner" "Executive Engineer" and the "Inspector or Deputy Inspector of Schools" are terms not defined either in the General Clauses Regulation or in the Local Boards Regulation It is to be considered if some sort of inclusive definition may not be given for these expressions so that even if these official designations of Officers be subsequently altered by Government, the Officers with such new designations might still be empowered by Government to do these duties In this connection it may be

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

Serial No.

mentioned that recently when the post of the Deputy Sanitary Commissioner was abolished a difficulty was felt as to how to empower the Sanitary Commr to perform the functions which under the City of Mysore Improvement Regulation see: 4 the Deputy Sanitary Commr to Govt could perform

2. Under the L.S.G. Scheme as sometimes the Taluk Boards should have separate budget allotments. But it is not clear from the order as to who should sanction the budget framed by the Taluk Board. Sec. 9 only says that the Taluk Boards should submit annual statements and estimates of probable receipts and expenditure for the coming year to the Dt Board. But it does not say that the Dt Board shall sanction it with such modifications as it thinks proper as is done in the same way as the Govt does the estimate of a Dt Board

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

Serial No.

under sec: 22. The Dalurk Board Budget is not to be sent to the Govt at all as under ~~under sec: 22~~ sec: 22 the Dt Board has to submit only the estimates of receipts and expenditure of the Dt Board only i.e. of the Dt Fund only which is all that is vested in a Dt Board under sec 11 (2); and under section 20 as now proposed to be amended a Dt Fund excludes amounts "otherwise appropriated under this Regn" and a Dalurk Fund is such (vide ~~sec~~ sec: 20)

Therefore if it is the intention of Govt that the Dalurk Board Budget should be sanctioned by the Dt Board and need not go up to the Govt for sanction then some such words as follows may be inserted at the end of sec: 9 viz:- "It shall be competent to the District Board to pass, or to reject or to modify, all or any of the items entered in the estimate and no expenditure which is not provided for in the estimate

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

Serial No.

as approved by the Dt. Board shall be incurred during the year to which the estimate relates, without the previous sanction of the ~~Government~~ District Board obtained on one or more supplemental estimates".

If however the intention of Govt. is that Govt. have to sanction the Taluk Budget also then ~~clause~~ clauses, ~~section~~, similar to clauses ~~2 to~~ (3) and (4) of sec: 22 should be added to sec: 9. ~~at the words~~

3. Regarding the transfer by Govt. of management of certain institutions to Local Board sec 78 empowers Govt. to do so with the consent of the Local Board and after placing necessary funds at its disposal. The question will be whether such funds so placed will form part of the Dt. Fund or Taluk Fund as the case may be or will remain separate as a distinct ~~trust~~ fund. If it should form part of the

WD.1233—GPB—60,000—1-12-16—S.

Serial No.

District or Taluk Fund then a sub-clause will have to be inserted in ~~sec. 20A after~~ sections 20 and 20A ~~after sub-clause~~ as follows." Sums placed at the disposal of the Fund by Government under sec. 7B

In that case in sub-~~sections~~ (1) and (2) of section 21 the ~~words~~ figure "7B" should be inserted after the figure "7" and "7A" respectively.

4. Regarding Audit of Taluk Board & accounts &c.:—

Under section 21(1)(a) of the District ~~Board~~ Fund shall be applicable for the payment of such portion of the cost of the clerical supervising and auditing establishments employed in the offices of Govt. the Comptroller and the Deputy commissioners of Dts in connection with the operation of Local Boards and (b) of the Provincial Depts for education, medical aid, sanitation vaccination

NOTE—Contn. sheet.

VD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis. File No. 47 of 1916.

Serial No.

and public works as may be held by the Govt to be equitable &c. A similar provision in the case of the Taluk Fund is not inserted in the new sub-section (2) of section 21 proposed. The question therefore will be (i) whether the Taluk Boards are exempt from such contribution and Govt will incur all such expenses or (ii) whether the Local Board which has a control over the Taluk Board should be made to contribute towards such expenses also. If the former then clauses similar to the clause in para 21(1) referred to above should also be inserted in 21(2), but if the latter then the word "and" should be omitted in sub-clause (a) of 21(1) between the word "Committee" and "the Deputy Commissioner", and the words "and the Amildars of Taluks" inserted after the word "Deputy Commissioners thereof" and the words "to the district Board and

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 47 of 1916.

Serial No.

the Taluk Boards" may be inserted after the word "rendered" in the 2nd para of sub-clause (c) of sec 214).

5. Re power to frame bye-laws:- Under section 31A, only the District Board has power to frame bye-laws. Under this section the Dt Board has power to frame bye-laws for Taluk Boards also. But if it is the intention of Govt to give ~~similar~~ powers to the Taluk Boards ~~also~~ to frame their own bye-laws then the word "Local" should be substituted for the word "District".

6. ~~Section~~ In section 62 ~~comma~~ of after the words "of all or" the words "some only and if so" may be inserted and the word "ex-officio" inserted between the words "be" and "members".

7. In sec. 43 Re election of a chairman of a Panchayat, it is not clear who the electors shall be ~~whether~~ whether the members of the

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

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Serial No.

Panchayat should elect one among themselves to be a chairman or whether the electors who elect the members of the Panchayat should elect the chairman also.

Probably as the power to elect members is not given to every village, the intention is that the members of Panchayat should elect from among themselves a chairman. In that case the first sentence of section 43 (4) may be recast as follows:-

~~Every Panchayat~~

"The members of a Panchayat shall elect from among themselves a chairman of the ~~said~~ Panchayat".

8. Under section 52 the Taluk Board has to exercise control over the Village Panchayat but there is no provision made ~~whereby~~ ~~the Panchayat to send an~~ enforcing the Taluk Board to ~~from~~ reverse or vary any resolution of a Panchayat as the a Dt. Board can under sec. 11

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretàriat. | Legis File No. 47 of 1916.

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vary or reverse a resolution of a Taluk Board. A section similar to section 11 may be added after section 52

9. Power to make rules:-
Under section 56(ii)(d) Govt can frame rules providing for the manner in which the contributions of the villagers in money and labour to the village Improvement works should be levied. But under sec: 48 which gives power to the Panchayats to levy taxes, cesses &c. no power is given to levy contribution of labour or of money in default- a clause may be added to sec: 48 as follows:-

"(g) contributions in money levied ~~in default of~~ under sec: 48A

and add a new sec: as follows:-

"48A. Every Village Panchayat may, ~~by a notice for~~ with the previous sanction of the Amildar of the Taluk publish a notice in the village calling upon every ~~man~~ householder in

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

Ghia 1758-H
Ghia 1812-16

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 47 of 1916.

Serial No.

the village, to ~~evade~~ not exempted under rules to be framed by Govt for this purpose [either generally or special], to contribute the labour of one adult male member of the household for half a day every week and in default to pay a contribution not exceeding such sum for each such half-a-day-a-week labour as may be fixed in the rules".

29/5/17

WD 1233—GPB—60,000—1-12-16—S.

G. R. S.-III-2)

General and Revenue Secretariat. | File No. of 191 .

Serial No.

The following points are submitted for favour of consideration.

Layout 4

1. The amendments proposed make material alterations in the various Sections of the Regulation, and it would be convenient to deal with them of the whole bill as amended is published instead of only the portions amended.

2. Preamble. The Preamble is considered as a Key to the construction of the whole statute, and generally serves to portray the intent of the Legislature, Hence the present reference to the constitution of Local Boards alone does not seem to be sufficiently comprehensive. It seems necessary to make a reference to the Village Panchayats also, and the Taluq Village Funds as the proposed definition of the Local Board does not include Village Panchayats, and the Taluq Funds & Village Fund being are separate from the District Funds.

Map Add one 4

A few verbal alterations are also necessary which can be shown in pencil.

3. Title. The present short title of the Regulation may be changed to the "Mysore Local Boards and Village Panchayats Regulation."

4. Definition of Village Panchayat. The object of the Government is that the majority of the members of the Panchayat should be elected

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2

General and Revenue Secretariat. | File No. of 191

Serial No.

(vide L. S. G. order para 17) the present Bill in this provides only for appointment. It is therefore preferable to use the word "constituted" for the word appointed "under the Bill.

appointed

5. Section 4. In view of the express decision of Government in para 16(1) of the Local Self Govt order that there should be an elected majority in all rural boards, and that the proportion of the elected element should be not less than ⅔ in District Boards and half in the case of Taluq Boards it seems desirable to give a statutory basis for it. If the Bill would perhaps be considered as the chief item in the scheme of L. S. G. and by the public and if this view is accepted then the Section requires redrafting on the following lines.

"Each local Board shall consist of

(a) Elective Members and

(b) such persons (if any) as the Government may appoint [by name or special designation] who shall be called 'nominated members

Provided that (the number of elective members in a District Board shall be not less than two-thirds of the whole Board, and in a Taluq Board not less than one half of that Board)

Provided also that the [number of members] each local Board shall be not less than Six

appointed

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

Serial No.

as the Government may fix in this behalf."

omit 2 — 6. In Section 6 (2), the addition made in the draft Bill seems superfluous and may be omitted. The existing clause is sufficiently wide and comprehensive.

5.7. The addition of a new sub clause proposed to this Section may be dispensed with, by mere verbal alterations in the existing clause. For example, "irrigation and drainage works" may be inserted in clause (d) after the words "and fuel resources", "demonstration farms" in clause (h) after "industrial exhibitions", and the words "agricultural and economic improvement" may be usefully inserted in the present residuary clause (j). This arrangement will be more logical, and will have all connected purposes grouped in a separate clause. The proposed addition in the draft covers in most cases the purposes already mentioned in the previous clause, and is not by itself sufficiently comprehensive as the present clause (j). This overlapping can be avoided in the manner suggested above

NOTE—Contn. sheet.

D 1263—GPB—60,CCC—1-12-16—S.

Serial No.

S. 7 A and S. 8. These two Sections refer to the powers and functions of the Taluq Board. Under S. 7A, certain powers can be exercised by the Taluq Board under the control of the District Board, and S 8 refers to certain ~~duties~~ powers that can be delegated to the Taluq Board by the District Board. In the latter case the Taluq Board becomes merely an agent of the District Board, while in the former it has some independent powers in local matters but is subject to the control of the District Board. The nature of the rules that ~~Govt~~ propose to issue under these Sections is not made clear in the rules. But as a matter of management, it will be better if both these Sections are brought together as two clauses under one Section as in Bombay. The ~~marginal~~ subhead as above S 7 will not also require any change if the proposal is adopted. Further it will ~~in my place~~ ~~Board~~ bring together in one place all the powers of the Taluq Board and its relationship to the District Board

Hardy 4

S. 7(3) If any verbal alteration ~~are proposed~~ in this Section are submitted for consideration.

S. 9. It is not clear from the G O & rules or the rules in regard to the powers of the Govt regarding the Budget of the Taluq Board

NOTE—Contn. sheet.

D 1233—GPB—60,000—1-12-16—S.

Serial No.

S. 9 provides for the submission of the annual accounts & estimates to the D.B. Board, but does not provide for its disposal by the D.B. Board. Under the Bombay rule, the District Board will have to send its budget to the D.C. and who submits the same to Govt. for orders. (Vide S 22). Thus the Taluq budget will have to be sanctioned by Govt., ultimately. If this is the intention of Govt. then no change is required. Otherwise a clause on the lines of S. 22 will have to be drafted giving the power of sanctioning the Taluq Board budget to the District Board or the D.C. and.

Yes. Land Sec 9 subj to such rules & such may prescribe on this behalf"

S. 15. Govt. have declared in the L.S. Order that whenever a President is appointed, the Vice President shall, as far as possible, be elected. If this view has to be given a statutory basis, then a proviso to the following effect seems necessary: "Provided that if a member is appointed President the Board shall elect one of its members to be a Vice President."

Necessary

S. 20 to 20 A. A few verbal amendments are made in the draft of this Section.

S. 23, 24, 25. There are no corresponding provisions for the auditing, inspection and publication of Taluq Board accounts, though

D 1233—GPB—60.CGC—1-12-16—S.

Serial No.

the Taluq Boards have now a statutory corporate existance, & each have a separate fund of their own. Wd point for order whether any modification is necessary must in this matter.

23 & 24 Change VB into Local Boards

S. 31. TA & VB provide for rules being framed by Govt in regard to the relationship between the ~~Local~~ Taluq Boards and the District Boards. In S. 31, it seems desirable to provide for such cases by the insertion of a clause in the following manner as in the Madras Act

"as to the respective duties and responsibilities and mutual relations of district boards, taluq boards and panchayats; and as to the matters in regard to which, and to what extent the orders of a taluq board or panchayat shall be subject to appeal to, or to revision by, the district board or taluq board, as the case may be."

Alteration of

S. 31 A. Wd point for consideration whether the Taluq Boards who have now powers to levy cess (S. 20 A & B) and have a separate existence of their own should be given powers to frame any bye-laws

Secretary VB has taken this subject of

S. 41 (2). This clause requires alteration in view of the Govt order (para 7) that the majority

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G. R. S. III-2]

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Change 41. (2) to Instgate add

of members of a panchayat shall be elected. If approved, a clause like this we suggested para. 4 will be substituted.

5.6.17

Secd Member)

7/6.

Submitted for favour of approval

5/6

Asst. Member)

3408/6.6.17

6/6

Extraordy Member)

Hon'ble Member

8/6

appd.

7.6.17.

Rec'd at Depot. 9/6/17.

Flag B

Two points require further consideration :-

(1) Whether it is not desirable to introduce a section as in the separate sheet, to give effect to the decision of Government in sub para 2 of para 18 of the Local Self Government order.

(2) Whether it is not necessary to introduce a provision for a cess in lieu of weekly labour on the lines which found general acceptance at the last Deputy Commissioners' meeting.

These two points may be considered at the

NOTE—Contn. sheet.

D 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

Bill to amend the Mysore Local Boards Regulation 1902:

General and Revenue Secretariat. | Legis File No. 47 of 1916.

Serial No.

meeting of Council on the 21st instant. The bill may be introduced at the Legislative Council meeting on the 29th.

18.6.17

Sec. - 4

19.6

C.S Treat as Suppl. Secy 19/6

NOTE—Contn. sheet.

Extract from the Proceedings of the 420th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 21st June 19 17.

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19. Subject.- (Clause ii of the schedule.)

Bill to amend the Mysore Local Boards Regulation, 1902.

OPINION OF THE COUNCIL.

The bill to amend the Mysore Local Boards Regulation, 1902, may be placed before the Legislative Council on the 29th instant.

Necessary provisions may be inserted for empowering the Local Boards to submit Resolutions to Government on questions of general administration of the districts and authorising the levy of a cess by a Village Punchayet for any of the purposes connected with the local board administration, if three fourths of the Punchayeth agree.

Sd. M.Visvesvaraya,
DEWAN OF MYSORE.

"EXTRACT"

D. M. Narayanaswamy

Secretary to Government,
General Department.

WD—156—GPB—1,000—19-7-16.

Immediate

MD 1283—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. Leg. File No. 47 of 1916.

Serial No.	
	U.S.) Dues 22/6 As the bill has to be taken up at the next Legislative Council meeting, immediate action may be taken to publish it under Rule 32, with the additional provisions referred to in the Council resolution. The bill may then be submitted to His Highness for approval. 22.6.17 Do Draft 23/6
Antg for immediate action Dues 22/6 III	Draft approved and issued. 22/6 No 543/L.C. dated 22/6/17 to the Compiler Mysore Gazette. Forwards the Bill for publication under rule 32 of the Rules Subd. with a D.S.N. as ordered. 23/6 23/6
7284/23.6.17	Dewan Dues 23/6

NOTE—Contn. sheet.

Final note by the Second Member of Council.

Subject:- Bill to amend the Mysore Local Boards Regulation, 1902.

In order to give full effect to the Government Order No.3005-55/Ml.132-16-1 dated 16th November 1916 on the scheme for the development of Local Self-Government in Mysore the -- Mysore Local Boards Regulation, 1902, requires to be suitably amended. The Bill herewith put up has been accordingly drawn up and approved by the Council. The gracious approval of His Highness the Maharaja is required for placing the Bill before the Legislative Council.

Second Member of Council.
8.6.17

Submitted to His Highness.

I submit herewith a Final Note by the Second Member of Council on the subject of the Bill to amend the Mysore - Local Boards Regulation, 1906 for His Highness' gracious approval.

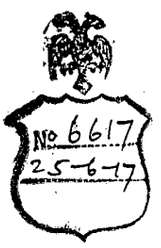
2. As the matter was urgent, the Bill has been published under rule 32 of the Rules for the conduct of business of the Mysore Legislative Council in anticipation of approval.

3. The Bill will be considered in the Legislative - Council on the 29th instant.

M. Visvesvaraya -

25th June 1917 -

Record of Cases submitted for the Orders of His Highness the Maharaja.



Subject.

Bill to amend the Mysore Local Boards Regulation, 1906. -

1327

Order.

~~KRM~~

27/6/17

Lr rdr RD

28.6.17 Ao.

Sent 30/6

30/6

WD 1233—GPB—60,000—1-12-16—S

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191

Serial No

Subd. The file regarding the Ullyore Local Boards and Village Panchayets Bill was submitted to H. H. only yesterday and is expected back tomorrow. In the meanwhile as the L.C. meeting comes off on the 29th inst. a draft forwarding a copy of the Bill to the Residency is put up as orally directed.

26/6/17

Submitted

26/6

Put this up on the main file when received

NOTE—Contn. sheet

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 27 of 1916-17

Serial No.

The Select Committee Meetings have to be arranged in connection with the Bill to amend the Municipal Regulation and the Bill to amend the Local Boards Regulation.

Submitted for favour of orders as to the date on which the meeting has to be held. As the members are to be informed for both Bills, one Bill may be taken after the other. The lawyer members would prefer either Friday or Saturday if not inconvenient to the Member.

2/7

44
3-7-17

Second Member

Please consult above and the Pattana Chetty

13th 14th will suit

3.7.

Submitted with a draft D.O

3/7

Yours truly

3-50

To Rajasabhabhushana Dewan Bahadur

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 47 of 1916-17

Serial No.

K.P. Puttanna chetty Esqr. C.J.E.

D.O. 6/L.C.-G 3.7.17

Enquires if the 13th & 14th of this month would suit his convenience for the meetings of the Select Committee

From K.P. Puttanna chetty Esqr. C.J.E

States that the Committee to investigate the grievances of the Ryots under Krishnarajasagara Channel of which he is the Chairman meets on the 13th & 14th instant desires that some other day either before or after may be fixed for the Select Committee meeting in connection with the Mysore Land Revenue Amendment Bill Submitted.

Nagar
5.7.17

Submits for orders. The Puttanna Chetty finds the date proposed inconvenient.

ES
5/7

108
5.7.17

Second Member)

16th instant may be fixed & notice issued. - Please treat this as urgent

Kanta Labula Valeni prepd & will apply for recd from the Council

4
7.7

Issued today

ES 7/7

NOTE—Contn. sheet.

g mis 1812

WD 1233—GPB—60,000—1-12-16—S. K.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 47 of 1916-17

Serial No.

Subm. with a draft.

6/7/17

Issue Orders

6/7

A tabular Statement of the suggestions of the Members on the draft Mal Bill ordered to be put up by the 2nd Members Subd.

AK

8.7.1917

Subm. with a typed copy of the same as ordered orally

11/7/17

Submitted for favour of perusal.

11/7

2/9 12-7-17

Second Members Returned

12/7 ans 13/7

13/7

NOTE—Contn. sheet.

Amendments to be proposed at the next Legislative Council Meeting on behalf of Government in the Bill to amend the Mysore Local Boards Regulation.

******

I. Either of the two suggestions mentioned below may be adopted.

A. Add the following as an additional proviso in Section 57 of the Bill as revised by the Select Committee.

Provided also it shall be lawful for a Village Panchayat to commute in special cases in accordance with any rules framed by Government in that behalf, the payment of cess ~~by any family~~ into a contribution of labour at such intervals and for such period of time as may be specified by the Panchayat.

OR

B. Add the following as Section 57 A.

It shall be lawful for a Village Panchayat to require every family to contribute one adult member for half a day every week for employment on such works of village improvement as may be authorised by Government or to pay in lieu thereof a money contribution not exceeding a maximum to be fixed for each district by Government

The Panchayat shall have power to exempt any family from this obligation on account of poverty, absence of any adult

Draft copy is enclosed

member or any other similar suitable causes.

Any order passed by a Village Panchayat granting or refusing exemption is liable to revision by the President of the Taluk Board."

57 B.- The powers conferred on Village Panchayat under the preceding section shall not be exercised unless agreed to by a four-fifths - majority of the Panchayet".

Reasons for the amendments.

Clause 57 provides for the levy of a cess by Village Panchayats. This does not exactly meet the object in view. What was attempted was, as will be seen from the file on the subject. to legalise the existing practices, under executive orders, of requiring one adult from each family for weekly labour or the payment of a cess in lieu. The effect of the present clause will simply be to add another source of revenue to the Panchayats. In order, therefore, to carry out the idea of Government, two alternatives are suggested for consideration- one, amending the proposed clause and the other, introducing a new clause. Both are self-explanatory and it is a matter for orders which of them, if any, should be adopted.

*****

The following proviso shall be added as an additional proviso to Clause 57 of the Bill :-

" Provided also that the Village Panchayat may, with the consent of the person liable, commute the payment of such cess into a contribution of labour not exceeding twelve days' labour in a year, at such intervals for such period of time and under such conditions as may be prescribed by rules framed by Government in this behalf".

Amendments to be proposed at the next Legislative Council Meeting on behalf of Government in the Bill to amend the Mysore Municipal Regulation.

I. In Clause 4 of the Bill as amended by the Select Committee, the proviso beginning with "Provided that it shall be lawful" and ending with "Vice President or President" shall be omitted.

Reason for the amendment.

The substantive clause includes - provision for payment of Government servant also as the words "President or Vice President" include a nominated - official as well an elected non-official The proviso is therefore unnecessaryand its retention is probably due to an oversight.

II. In clause 6 of the Bill the proviso to Section 58 A shall be omitted.

Reason for the amendment.

The proviso to new section 58 A seems to be unnecessary and will undûly tie up the hands of Government. Each case of transfer of institution may be dealt with on its mertis and it is presumed that Municipal Councils will not consent to such transfer unless they are satisfied on financial grounds. There is no need to state that Government alone should find the full funds.

III. Clause 5 of the Bill as amended by the Select Committee should be omitted.

Reason for the amendment

There is no objection to keep the Deputy Commissioner informed of the proceedings of the Municipal Council so that he may apply to Government for taking action under Sections 173, 174 and 175 of the Regulation.

******

The following proviso shall be added as an additional proviso to Clause 57 of the Bill:--

"Provided also that the Village Panchayat may, with the consent of the person liable, commute the payment of such cess into a contribution of labour not exceeding ~~twelve~~ 18 days' labour in a year, at such intervals, for such period of time and under such conditions as may be prescribed by rules framed by Government in this behalf".

18/4
16/7/44

Note:-
This amendment was included in the agenda and sent to all members.
CB

The clause may be viewed as a great benefit. A circular to the Members - after the Session

The Memorandum made by the Select Committee - & those in the Statement of Objects - are affirmed

C. 183.
24.9.17.

Extract from the Proceedings of the 432 nd Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 22nd September 19 17

---

5. Subject.- (Clause ii of the schedule.)

Amendment of the Mysore Municipal and Local Boards Regulation for giving effect to the Local Self Government Scheme.

OPINION OF THE COUNCIL.

The modifications made in the draft bills by the Select Committee may be approved.

The following amendment may be moved as a Government amendment to clause 57 of the Local Boards Bill:-

" Provided also that the Village Panchayet may, with the consent of the person from whom the cess is leviable, commute the payment of such cess into a contribution of labour not exceeding eighteen days' labour in a year, at such intervals, for such period of time, and under such conditions as may be prescribed by rules framed by Government in this behalf. "

The amendments proposed by the non-official members to the Municipal Bill may be opposed.

(Sd.) M.Visvesvaraya,
Dewan of ysore.

"EXTRACT"

C S Balasundaraja
Secretary to Government,
General Department.

WD—156—GPB—1,000—19-7-16.

Fries 1812

D 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 47 of 1916-17

Serial No.	
	Sub'd. Leave to introduce the Bill was ~~made this day~~ cl. was granted on
	Sub'd. The Bill was read in Council on 29th June 1917 and referred to a Select Committee and the report of the Select Committee was considered and ~~for~~ the Bill as amended by them with a further amendment moved by the Second Member was adopted on 28/9/17. Sanction of the Govt of India is required for passing the Bill into Law A draft to the Residency is put up
	Approved, ~~this note to be dated today~~ Immediate
	3/10/17
	4/10
1-45 P.M.	Send ~~immediately~~
3	To the H. A. Resident.
	No 343 5th Dec 1917
	Requests sanction of the Govt of India for passing the Bill into law.
4	No 324 dated 15th Jan. 1918
	From the H. A. Resident in Mysore
	Intimates the sanction of the Govt of India subject to the usual reservation

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2

General and Revenue Secretariat.

Legis File No. 47 of 1916.

Serial No.

Of power under Art. 18 of the draft of 1913 Govt. This will be included in the agenda for the next meeting of the Legis. Cl

Submitted for information

17/1/18

17.1

55.
17.1.18.

Second Member

18.1.18

The Bill was placed before the Legislative Council on the 21st Feb: 1918 and passed. Copies of the Bill as finally passed by them is put up. The gracious sanction of H.H. the Maharaja is required to promulgate the Bill into law. A.d.f.n. and a.d.s.n. are submitted.

27/2/18

Draft Official Note is put up

28/2

376.
28.2.18.

Second Member

This is correct. Then Cabinet

NOTE—Contn. sheet.

1575

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legs File No. 47 of 1916-17

Serial No.

Bill & the Connected papers
to Council rep: A fresh
final note has been prepared
on these bills

LJ
7.3

LJ
28/3/18

File rescd. The statistics called
for has been furnished by Bs IV and
is linked to the file re amendment
of the Mil. Reg. (Legis 18-16) separately
submitted today

CH
12/3/18 WK

Eg
18/3

393.
15.3.18.

Second Member

Final Note signed by the Second
member. Submitted with draft Govt note

Eg
26/3

Chief Secretary)

5125
28/3/18

Secretary

CHS

28/3/18

Eg
28/3

Final Note by the Second Member of Council.

Subject:— Local Boards and Village Punchayets Regulation.

In their resolution dated the 21st May 1917, the Council approved of the draft Bill to amend the Mysore Local Boards Regulation, 1902, and in my Final Note of the 8th June 1917, I solicited the gracious sanction of His Highness to place the Bill before the Legislative Council. His Highness' approval having been received on the 27th June, this Bill went through all the necessary stages of Legislative Council discussion and was finally passed by that body at its sitting held on the 21st February 1918. The Council approved of the modifications made by the Select Committee in the Bill in their resolution dated the 22nd September last and directed that an additional Government amendment be made to clause 57 regarding the commutation of village cess leviable by Village Punchayets into labour not exceeding 18 days in the year. The Proceedings of the Legislative Council on the Select Committee's report contain my speech explaining this amendment which was unanimously approved by that body. The special file of papers referred to in my Final Note on the Municipal Amendment Bill contains all the discussions relating also to this Bill. ~~Expenditure~~ The petition referred to in my Final Note on the Municipal Amendment Bill deals with this legislation also. It was considered in the Legislative Council and was ordered to be filed. This petition has been dealt with by me in a separate note attached on the subject of Communal Representation. The Government of India sanction to pass the Bill into law was also received and so the

Bill is now ready to receive His Highness' assent.

It is respectfully suggested that in according His Highness' assent, the date on which the Bill may come into force may be fixed as the 1st of July 1918 for the reasons urged in my Final Note on the Municipal Amendment Bill.

26th March 1918.

MEMBER OF COUNCIL.

Submitted to His Highness.

I submit herewith a Final Note by the Second Member of Council on the subject of the promulgation of the Mysore Local Boards and Village Panchayets Bill into law.

2. This Bill has passed through all the stages in the Legislative Council and after the receipt of the assent of the Government of India, it was finally passed at the meeting of the Legislative Council held on the 21st February 1918.

3. In my submission note in connection with the Bill to amend the Municipal Regulation, I have explained the reasons why His Highness' sanction may now be given for passing this Bill as well as the Municipal Bill into law.

File H Hrs 7672 separately submitted today.

4. The Bill is an important one which will mark a definite stage of advance in the constitution and working of local bodies, including Village Panchayets, which will now be placed on a definite statutory footing. The question of communal representation was raised in connection with this Bill also but as explained by Mr. Banerji in his note on Communal Representation, the rules provide for the representation of landholders and other important interests in the areas concerned.

Q ii —do—

5. I solicit His Highness' sanction to promulgate the Bill into law with effect from the date referred to in the Second Member's Final Note.

SPR

M. Visvesvaraya
4th Apr. 1918.

1575

C. 183

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

No.7671
4-4-18.

Promulgation of the Mysore Local Boards and Village Panchayets Bill into law.

Order.

~~KRW~~
25/6/18

No 1460
25.6.18.

Chief Secretary
26.6.18.

246
6.7.18.

Rees
10.7.18

Assistant IV

4968
9.7.

9/7/18

7/10/18

157

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 47 of 1916.

Serial No.	
	Subd. with a draft order to the Compiler, Mysore Gazette ~~Government Press Superintendent~~ for publishing the Bill as law CB 29/6/18 Issued 29/6
5	To The Compiler, Mysore Gazette. No. 5222 of 29.6.18 notifies the promulgation of the Mysore Local Boards and Village Panchayets Bill as law. Subd. Spare copies of the Regn have been received. Drafts forwarding them copies to the Resr and to Hyderabad are put up CB 19/8/18 Issued 19/8
6A	To, The Secy to H.E.H Nizam of Hyderabad No 4027 Dt 24-8-18 Forwards two Copies of the Mysore Local Boards and Village Panchayat Regulation, No VI of 1918
6	To, The P. A. Resident 220 Dt 29-8-18

Note—Contn. sheet.

P.T.O

WD A 1769—GPB—60,000—20-8-18—S.

G. R. S. III-2]

General and Revenue Secretariat.	Legis File No. 47 of 1916.

Serial No.	
6	Forwards 9 copies of the Mysore Local Boards and Village Panchayat Regulation No VI of 1918

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

THE MYSORE LOCAL BOARDS REGULATION, NO. II OF 1902.

(As amended by Regulations Nos. X of 1911, V of 1914 and III of 1915.)

PRICE Re. 0-1-9

THE MYSORE LOCAL BOARDS REGULATION, II OF 1902.

—o—

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REGULATION No. II OF 1902.

(PASSED ON THE 15TH DAY OF JUNE 1902.)

A Regulation to make better provision for the constitution of Local Boards in Mysore.

[*As amended by Regulations X of 1911. V of 1914 and III of 1915.*]

Whereas it is expedient to make better provision for the constitution of Local Boards to administer the expenditure of District Funds in Mysore, and to define and regulate the powers to be exercised by those Boards; Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. (1) This regulation may be called "The Mysore Local Boards Regulation, 1902." Short title.

(2) It shall extend to the whole of Mysore. Extent.

(3) It shall come into force from the date of the passing thereof. Commencement.

2. In this Regulation— Interpretation

(1) "District" includes such part of a District as the Government may, by notification in the official Gazette, declare to be a District for the purposes of this Regulation.

(2) "Deputy Commissioner" includes the Officer in charge of the Revenue administration of a part of a District declared as aforesaid to be a District for the purposes of this Regulation.

(3) "Taluk" includes a sub-division of a Taluk declared by the Government, by notification in the official Gazette, to be a Taluk for the purposes of this Regulation.

(4) Village means a local area recognized by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village as well, a group of such villages, but shall not include a local area constituted into a Municipality under the Mysore Municipal Regulation.

(5 & 7A) Village Panchayat means a body of persons appointed under this Regulation for a village.

(4) "Union" means any village or villages which may be declared by the Government, by notification in the official Gazette, to be a Union for the purposes of this Regulation.

(5) "Prescribed day" means such day as the Government may, from time to time, prescribe.

CHAPTER II.

CONSTITUTION OF DISTRICT AND TALUK BOARDS, AND PANCHAYATS.

Establishment of Panchayats and Taluk and District Boards.

3. The Government may, with effect from such date as it may appoint, establish, by notification in the official Gazette, for each Union a Panchayat having authority over the Union, for each Taluk a Taluk Board having authority over the Taluk, and for each District a District Board having authority over the entire District, provided that such portions of a Union, Taluk or District as are included in a Municipality shall be excluded from the jurisdiction of the Panchayat or the Taluk or District Board.

Number and appointment or election of members.

4. (1) Each District Board and each Taluk Board (Local) shall consist of such number of members, not less than six, and each Panchayat of such number of members not less than five, as the Government may fix in this behalf.

(2) The members may be appointed by Government either by name or by official designation, or may be elected in accordance with rules made by Government under this Regulation, or some may be appointed and some elected as the Government, from time to time directs;

Provided that the number of members of a District or Taluk Board appointed by official designation shall not exceed one-third of the whole number of members of such Board.

Consequences of District Board coming into existence.

5. When a District Board comes into existence under section 3 for any local area, the following consequences shall ensue, namely—

(1) The rules published with the Chief Commissioner's Notification No. 110, dated the 4th July 1874, shall cease to apply to such local area, but not so as to render invalid anything done in accordance therewith

(2) The District Committee constituted under the aforesaid Rules shall cease to exist.

(3) All property of whatever kind and all institutions committed to the management of the said Committee under the aforementioned Rules, shall vest in the District Board for the purposes of this Regulation, subject to all rights, (if any) existing over, and all debts, liabilities and obligations (if any) affecting, such property and institutions.

(4) All rules and orders made under the aforesaid Rules, and all other rules, if any, in force and relating to any of the matters hereinafter dealt with, shall, so far as they are consistent with this Regulation, be deemed to have been made hereunder.

(5) When more than one District Board shall be established for the area within the jurisdiction of a District Committee, the assets and liabilities of the latter shall be distributed among such District Boards in such proportion as may be deemed most equitable by the Government.

Incorporation of District Board.

6.(1) Every ~~District~~ Local Board shall be a body corporate by the name of the ~~District Board of its District~~ Local Board of a local area for which it shall have been established and over which it has authority, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, to transfer any moveable property and, with the previous sanction of the Government, any immoveable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

(2) But nothing herein contained shall empower any Board to raise loans for any of the purposes of this Regulation, without the previous sanction of the Government. The loans so raised will be utilized for the objects referred to in Section 7 and such other purposes as may be approved by Government.

CHAPTER III.

Powers and Duties of Local Boards.

Powers and Duties of District Boards.

Matters to be controlled and administered by District Boards.

7. Every District Board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, provide for the control and administration

and are specially delegated to the control and administration of a Taluk Board under sec: 7A.

of the following matters within the area subject to its authority :—

(*a*) the construction, repair and maintenance of public roads and other means of communication;

(*b*) the planting and preservation of trees on the sides of roads and on other public ground;

(*c*) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, travellers' bungalows, musafirkhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions;

(*d*) the construction and repair of public wells, tanks, and water works, the supply of water from them and from other sources, and the preservation from pollution of water for drinking and cooking purposes;

(*e*) the establishment and maintenance of such relief works in time of famine or scarcity as may be entrusted to the charge of the District Board by the Government;

(*f*) the establishment and management of cattle-pounds, including such functions of the Government and the Magistrate of the District under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, as may be transferred to the District Board by the Government;

(*g*) the management of such public ferries as may be entrusted to its charge;

(*h*) the institution, holding and management of agricultural shows and industrial exhibitions;

(*i*) the maintenance of any building or other property which is vested under this Regulation in the District Board, or may be placed by the Government under the management of that Board; ~~and~~

(*k*) ~~(*j*)~~ any other local works or measures likely to promote the health, comfort, convenience, interest or welfare of the public.

Relations of ~~Panchayats~~, Taluk Boards and District Boards.

~~8.~~ ~~(1) Every Taluk Board shall, in the area under its authority, be the agent of the District Board, and as~~

Duties of Taluk Boards.

8. In respect of roads works buildings services and institutions in the control and administration of the District Board every Taluk Board shall, if the District Board so desires be the agent of the District Board and as such agent shall exercise such authority and perform such duties as the District Board may from time to time in writing delegate to it. Such delegation shall be

7A.

Powers and duties of Taluk Boards

7A. Subject to the Control of the District Board and to such rules as may be framed by Government in this behalf, every Taluk Board shall within the area over which it has authority, have the control and administration of all purely local road works and buildings maintained at its cost and also of all local services and institutions except such as the District Board may think fit to take under its own direct control and Administration

) Sec 31,) Bombay Act I 1884.

Transfer by Govt of management of certain institutions to Local Boards

7B. The Government may, at any time, with the Consent of the any Local Board, transfer to such local board the management of any institution not otherwise provided for by this Regulation (such as Educational and Municipal), and it shall thereupon be the lawful duty of such board to undertake the management thereof of such institution. Provided that in every such case the funds necessary for such management shall be placed at the disposal of such board by the Government.

P.T.O

~~such agent, shall have such authority and discharge such duties in respect of all or any of the matters specified in section 7, as the District Board may, by written authority in that behalf, from time to time confer or impose upon it.~~

(2) ~~Every Panchayat shall, in the area under its~~ authority, be the agent and under the control of the Taluk Board, and as such agent, shall have such authority and discharge such duties in respect of all or any of the matters specified in section 7, as the Taluk Board, with the approval of the District Board, may, by written authority ~~in that behalf, from time to time, confer or impose upon it.~~

Duties of Panchayats.

9. ~~(1)~~ Every Taluk Board shall submit annually to the District Board of its district, on or before such date as the said Board may appoint in this behalf, a statement of the requirements, and an estimate of the probable expenditure, of the Taluk Board for the coming official year, and a report of its proceedings, and an account of its receipts and expenditure for the past official year; and shall also submit to the District Board such other reports, if any, as the said Board may from time to time require.

Taluk Boards to submit annual statements, estimates, etc., to District Boards.

~~(2) Every Panchayat shall submit annually to the~~ Taluk Board of its taluk, on or before such date as the said Board may appoint in this behalf, a statement of the requirements, and an estimate of the probable expenditure, of the Panchayat for the coming official year, and a report of its proceedings, and an account of its receipts and expenditure for the past official year; and shall also submit to the Taluk Board such other reports, if any, as ~~the said Board may from time to time require.~~

~~And Panchayats~~ to Taluk Boards.

10. ~~A Taluk Board shall not incur expenses or undertake liabilities to any amount exceeding the limit imposed by the District Board of its district.~~

~~And a Panchayat shall not incur expenses or undertake liabilities to any amount exceeding the limit imposed by the Taluk Board of its taluk.~~

Limits on expenditure of Taluk Boards ~~and Panchayats.~~

11. A District Board may, by a majority of two-thirds of its whole number, reverse or vary any resolution of a Taluk Board ~~or Panchayat for an area within its~~ district.

~~And a Taluk Board may, by a similar majority, reverse or vary any resolution of a Panchayat for a Union within its taluk.~~

Power to reverse or vary resolution of Taluk Board ~~or Panchayat.~~

* Subject to any rules which may be framed by Government in this behalf. (Sec 31 Savings Act of 1897)

Power to provide for performance of duty in default of Taluk Board ~~or Panchayat~~.

12. ~~(1)~~ If the Taluk Board makes default in the performance of any duty imposed on it by or under this Regulation, the District Board may, by order in writing, fix a period for the performance of the duty.

If the duty is not performed within that period, the District Board may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance out of the funds ~~appropriated to or for the purposes of the Taluk Board~~.

~~(2) If a Panchayat makes default in the performance of any duty imposed on it by or under this Regulation, the Taluk Board may, by order in writing, fix a period for the performance of the duty.~~

~~If the duty is not performed within that period, the Taluk Board may appoint some person to perform it and may provide for the expenses of, and incidental to, its performance out of the funds appropriated to or for the purposes of the Panchayat.~~

Power to declare Taluk Boards independent.

13. (1) The Government may from time to time, by notification in the official Gazette, declare any Taluk Board established under this Regulation to be an independent Board, and may in like manner cancel such notification.

(2) A Taluk Board so declared shall, while the notification is in force, so far as may be, have, within the area subject to its authority, the powers, perform the duties, and be subject to the liabilities, of a District Board under this Regulation, and shall cease to be the agent of, and under the control of, the District Board.

Joint Committees.

Joint Committees.

14. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Committee or with more than one such Board or Committee in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Committees concerned, and in framing or modifying regulations as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more Boards or Committees acting under this section, the

decision thereon of the Deputy Commissioner, if the Boards or Committees are in the same district, or of the Government, if they are not in the same district, shall be final.

Conduct of Business.

17 15. (1) ~~A member of every Panchayat shall be~~ elected or appointed to be ~~Chairman of the said Panchayat.~~ Local Board

Election or appointment of ~~Chairman~~, President and Vice-President.

A member of every ~~District Board or Taluk Board~~ shall be elected or appointed to be President of the said Board; and any other member may be elected or appointed to be Vice-President.

The ~~Chairman of a Panchayat, and the~~ President and the Vice-President of a ~~District or Taluk~~ Board, shall hold office for such term as the Government may, by a rule under this Regulation, fix. Local Local

(2) The Government shall determine, as regards each ~~Panchayat or~~ Board, or as regards any class of ~~Panchayats or~~ Boards whether ~~the Chairman or~~ the President and Vice-President shall be persons appointed by virtue of their office or by name, or shall be elected.

(3) ~~At every meeting of a Panchayat the Chairman shall preside, and in his absence the members of the Panchayat present shall appoint one of their number to preside thereat.~~ Local

Who to preside at meetings.

At every meeting of a ~~District or Taluk~~ Board, the President or, in his absence, the Vice-President, shall preside. If, when any meeting is held, the offices of President and Vice-President are both vacant, or the President and Vice-President are both absent from the meeting, the members present shall appoint one of their number to preside thereat. Sanitary Commissioner, the

(4) The Principal Medical Officer of the District, the Executive Engineer and the Inspector or Deputy Inspector of Schools of the Circle shall be entitled, if they be not already members, to attend any meeting of a ~~District~~ Local ~~Board or Taluk~~ Board and to address such Board on any matter affecting, respectively, medical aid and sanitation, public works and public instruction; and shall furnish their advice in matters concerning their respective Departments whenever called upon to do so by the ~~District Board~~ Local ~~or Taluk~~ Board.

Certain officers entitled to attend and speak.

Local

Proceedings to be recorded.

16. Every resolution passed by a ~~District Board, Taluk~~ Board, ~~or Panchayat~~ at a meeting shall be recorded in a book to be kept for the purpose, and shall be signed by the President ~~or Chairman~~ or the member who presided at such meeting or at the next ensuing meeting.

~~A copy of every resolution passed by a Panchayat at a meeting shall, within three days from the date of the meeting, be forwarded to the President of the Taluk Board.~~

A copy of every resolution passed by a Taluk Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Board and to the Deputy Commissioner.

A copy of every resolution passed by a District Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner, who shall submit the same to Government with his remarks, if any, and the Government may pass such orders thereon as it may think proper and may also direct its publication in the official Gazette.

Rules as to meetings and proceedings.

17. Every District Board and, with the previous sanction of the District Board, every Taluk Board, ~~and, with the previous sanction of the Taluk Board, every Panchayat~~, may, from time to time, make rules as to the time and place of its meetings, the conduct of proceedings at meetings, and the appointment, powers and proceedings of Committees;

Proviso.

Provided that no rule made under this section shall be inconsistent with this Regulation or with any rules made by the Government under this Regulation.

Officers and Servants.

Employment of officers and servants.

18. (1) Every District Board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties, and may assign to them such pay, leave allowances, gratuities and pensions as it thinks fit.

(2) Every Taluk Board may employ such officers and servants and may assign to them such pay, leave allowances, gratuities and pensions as the District Board of its district thinks requisite and sufficient.

~~(3) Every Panchayat may employ such officers and servants and may assign to them such pay, leave allow-~~

ances, gratuities and pensions as the Taluk Board with the approval of the District Board thinks requisite and sufficient.

(3) (4) In the case of an officer lent by the Government, the District Board, Taluk Board or Panchayat shall make such contributions as Government may direct to any leave allowance, gratuity or pension which he may become entitled to in accordance with the rules for the time being in force.

(4) (5) If, in the opinion of the Government,—

(*a*) the number of persons employed by a District Board, Taluk Board, or Panchayat under this section, or the pay, allowances, gratuities, or pensions assigned by the District Board, Taluk Board or Panchayat to those persons or to any particular person, is or are excessive, or

(*b*) any such person is unfit for his employment,

the District Board, Taluk Board or Panchayat shall, on the requirement of the Government, reduce the number or remuneration, or, as the case may be, dismiss the unfit person.

Vesting of property.

Power to vest property in District Board

19. The Government may, from time to time, by notification in the official Gazette, direct that any property, movable or immovable, which is vested in the Government, shall vest in any District Board; and thereupon that property shall vest in that Board for the purposes of this Regulation, subject to all rights over, and all debts, liabilities and obligations (if any) affecting, that property.

Finance.

Constitution of District Fund.

20. (1) There shall be formed for each district a fund to be called the District Fund, and there shall be placed to the credit thereof—

1. such portion of the local cess on land revenue and of other local rates as the Government may, from time to time, assign for expenditure by Local Boards in the district;

[a] 1*a*. a Railway cess imposed with the previous sanction of Government at a rate not exceeding six pies in the rupee on all items of revenue on which local cess is levied, to be recovered in the same manner as the local cess and to be utilized solely in the construction of tramways and rail roads.[a]

[a.a] This sub-clause was added by Regulation V of 1914.

2. ~~a tax on house, situated within any Union, to be~~ assessed at such rate or rates not exceeding those laid down hereunder, and to be recovered in such manner, as may be approved by the Government, namely :—

	Per annum. Rs. a. p.
On every house classed in the 1st class ...	... 5 0 0
Do do do 2nd do ...	... 3 0 0
Do do do 3rd do ...	... 2 0 0
Do do do 4th do ...	... 1 0 0
Do do do 5th do ...	... 0 8 0
Do do do 6th do ...	... 0 4 0

[a] 2*a*. an additional tax on shops (including work shops) situated within any Union to be assessed at such rate or rates not exceeding those laid down hereunder and ~~to be recovered in the same manner as a tax on houses.~~

	Per annum. Rs.
(i) On every wholesale shop (mandi) classed in the 1st class	... 25
Do do do 2nd do	... 20
Do do do 3rd do	... 15
Do do do 4th do	... 10
(ii) Other shops (including workshops) classed in the 1st class	... 12
Do do do 2nd do	... 10
Do do do 3rd do	... 6
Do do do 4th do	... 4
Do do do 5th do	... 2
Do do do 6th do	... 1

[a]

~~2~~ 3. fines and surplus proceeds of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892;

~~3~~ 4. ferry collections;

~~4~~ 5. tolls upon carriages, carts or animals passing along roads and bridges vested in the District Board, subject to such rules as to the rates to be levied, the purposes for which the net proceeds shall be applied, and other matters, as the Government may, from time to time, prescribe;

[b] 5*a*. Tolls and fees leviable under section ~~31-A~~ (1) (g). [b]

[a.a] This sub-clause was added by section 1 of Regulation III of 1915.
[b.b] This sub-clause was added by section 2 (i) of Regulation X of 1911.

Taluk Fund. 23
20A. (1) In every taluk there shall be constituted a fund which shall be called the taluk fund, and there shall be placed to the credit thereof, unless otherwise appropriated under this Regulation —

(i) such portion being not less than one half ~~the proceeds~~ of as may from time to time be prescribed by Government either generally or with reference to individual taluks, of the local cess levied in the taluk (and ~~made over~~ assigned for expenditure by Local Boards);

or

(ii) the sale proceeds of all property vested in the taluk board.

(iii) all sums assigned to the fund by the Government or the District Board or contributed thereto by local bodies or private persons.

(iv) all sums received by the Taluk Board in the execution of this Regulation;

(v) special cess levied, with the previous sanction of Government, for guaranteeing repayment of loans raised or for accumulating funds for special purposes (specified under the Act); and

(vi) other sums apportioned by rule, made by the Government under this Regulation

Custody of Taluk Fund. (2) The Taluk Fund shall be vested in the Taluk Board, and the balance standing to the credit thereof shall be kept

Kept in the Government Treasury of the Taluk.

Invest. ment of Taluk Fund.

(3) The Taluk Board may from time to time, with the previous sanction of the Government invest any portion of the Taluk Fund in Securities of the Government of India or such other Securities as the Government may, from time to time, approve in this behalf, and vary such investment for others of the same nature or dispose of them. The income resulting from the Securities and the proceeds of the sale of the same shall be credited to the Taluk Fund. It shall also be lawful for the Taluk Board to deposit at interest with like sanction, in any bank in or outside of Mysore.

× ×× any surplus funds in its hands.

6. fees for licenses granted for the temporary erection of pandals and other structures in streets and other public places in a Union [a] or for any of the purposes specified in section 21A (1) (b) [a] at such rates and recoverable in such manner as may be approved by the Government;

7. fees for the temporary use of cart-stands and of markets, market-sites, village-sites and other similar public places on the occasion of fairs and festivals, at such rates as may be fixed by the District Board;

8. rents and profits accruing from buildings and other property vesting in the District Board under sections 5 and 19;

9. the sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board, and of timber fallen or felled therefrom;

10. all sums assigned to the fund by the Government, or contributed thereto by local bodies or private persons; and

11. all sums received by the District Board in the execution of this Regulation.

12. Special Cess Levied with the previous Sanction of Government for guaranteeing repayment of loans raised, or for accumulating funds for any specific purposes which it may be lawful for the District Board to undertake with the previous sanction of Government.

Custody of District Fund.

(2) The District Fund shall be vested in the District Board, and the balance standing to the credit of the fund shall be kept in the Government Treasury of the district.

Investment of District Fund.

(3) The District Board may from time to time, with the previous sanction of the Government, invest any portion of the District Fund in securities of the Government of India or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment for others of the same nature, or dispose of them. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the District Fund.

(1) 21A. 21. (1) The District Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters, specified in sections 7 and 18, within the area subject to the authority of

Purposes to which the District Fund shall be applicable.

[a-a] This was added by Section 2 (ii) of Regulation X of 1911.

* This explanation to Section 20 (1) was omitted by Section 2 of Regulation III of 91.

the District Board, and, with the sanction of the Government, outside of that area, and also to the following purposes: —

for the payment of such portion of the cost of—

(*a*) the clerical, supervising and auditing establishments employed in the offices of Government, the Comptroller and the Deputy Commissioners of Districts in connection with the operations of Local Boards, and of

(*b*) the Provincial Departments for education, medical aid, sanitation, vaccination and public works,

as may be held by the Government to be equitably debitable to the District Board in return for services rendered by the said establishments and Departments.

(2) ~~When a Taluk Board has been declared independent under section 13, such portion of the District Fund as the Government may from time to time fix in this behalf shall, during its independence, be annually set apart and placed at its disposal, and shall, for the purposes of this Regulation, be treated as a separate District Fund.~~

Appointment of Finance Committees.

22. (1) Every District Board shall appoint a Finance Committee consisting of not less than three of its number.

Annual estimates of income and expenditure.

(2) Every District Board shall, on or before the prescribed day in each year, hold a meeting at which the Finance Committee shall submit to the Board, in such form as the Government may, from time to time, by rule prescribe, an estimate of the income and expenditure of the Board for the next official year.

(3) The District Board shall consider the estimate, and may approve of it with or without modification.

(4) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to pass, or to reject, or to modify, all or any of the items entered in the estimate; and no expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more supplemental estimates.

Annual accounts and audit.

23. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government from time to time prescribes, and shall be examined and audited as soon as may be after the end of each official year by such persons as the Government from time to time appoints in this behalf.

Inspection of estimate and accounts.

24. The District Board shall cause a copy of every estimate approved under section 22 and of every account made up under section 23 to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Publication of abstract of accounts.

25. An abstract of every annual account of a District Board, showing the income of the District Fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent, shall be prepared by the District Board in such form as the Government, from time to time, prescribes, and published annually in the official Gazette in English and in Kanarese.

CHAPTER IV.

CONTROL.

Deputy Commissioner's power of supervision.

26. (1) The Deputy Commissioner of a District shall have power to supervise the proceedings of the District Board, and of every Taluk Board, Joint Committee, or Panchayat in the district, and in the exercise of that power may (among other things.)—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by the District Board, Taluk Board, Committee or Panchayat, or any work in progress under its direction;

(*b*) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the District Board, Taluk Board, or Committee or Panchayat; and

(*c*) require the District Board, Taluk Board, Committee or Panchayat to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of several districts, the Deputy

Commissioner of any of those districts may exercise a like power in respect of the proceedings of that Committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Government, whose decision shall be final.

Delegation of Deputy Commissioner's power to subordinate officer.

(3) The power given under this section to a Deputy Commissioner may, with the sanction of the Government, be delegated by him, in respect of a ~~District Board or~~ Taluk Board to a subordinate officer not below the rank of an Assistant Commissioner, ~~and, in respect of a Panchayat, to a subordinate officer not below the rank of an Amildar or Deputy Amildar~~.

Power to suspend execution of orders, etc.

27. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a ~~District~~ Local Board, ~~Taluk Board~~, or Joint Committee, ~~or Panchayat~~, or the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

28. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a ~~District Board, Taluk~~ Local Board ~~or Panchayat~~ is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the ~~District~~ Local Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the District Fund (or Taluk Fund) to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he uses the powers given to him by this section.

Power to provide for performance of duties in default of District Board.

29. (1) When the Government is informed on complaint made or otherwise that a District Board has made default in performing any duty imposed on it by or under this Regulation, the Government, if satisfied after due enquiry that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

Power to supersede District or Taluk Board or Panchayat in case of incompetency, default or abuse of powers.

30. (1) If a District Board, ~~Taluk Board or Panchayat~~ is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Government may by an order published, with the reasons for making it, in the official Gazette, declare the District Board, ~~Taluk Board or Panchayat~~ to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of ~~District or Taluk~~ Board or Panchayat.

(2) When a District Board, ~~Taluk Board or Panchayat~~ is so superseded, the following consequences shall ensue :—

(*a*) all members of the District Board, ~~Taluk Board or Panchayat~~ shall, as from the date of the order, vacate their office as such members ;

(*b*) all powers and duties of the District Board, ~~Taluk Board or Panchayat~~ may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf ;

(*c*) where a ~~District~~ Board is superseded, all property vested in it shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the order, the ~~District~~ Board, ~~Taluk Board or Panchayat~~ shall be re-established by appointment or election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

RULES.

Power to make rules under Regulation.

31. The Government may, from time to time, make rules consistent with this Regulation, and with reference (if necessary) to the varying circumstances of different local areas,—

(*a*) as to the strength of each ~~District~~ Board, ~~Taluk Board and Panchayat~~, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment, term of office, removal, retirement, and remuneration and allowances (if any) of members and the filling of casual vacancies;

(*b*) as to the conduct of proceedings of ~~District~~ Boards, ~~Taluk Boards and Panchayats~~, including the appointment and powers of the President, of the Vice-President, ~~and of the Chairman~~, the fixing of a quorum, the giving of the casting vote in cases of equal division, the minimum number of meetings to be held and the maximum interval between successive meetings, the formation of Committees, and the delegation or powers to such Committees;

(*c*) as to the mode of entering into and executing contracts and transfers of property on behalf of ~~District~~ Boards, and the authority on which money may be paid from the ~~District~~ Funds at the disposal of Local Boards;

~~(*d*) as to the mode of assessment and recovery of house-tax, and the cases in which remissions thereof or exemptions therefrom, may be allowed;~~

(*d*) (*e*) as to the appointment and payment of auditors of the accounts of ~~District~~ Boards, ~~Taluk Boards and Panchayats~~;

(*e*) (*f*) as to the apportionment of the District Fund between the general purposes of the district and the purposes of particular parts of the district, and the appropri-

ation of funds raised in a particular area to the purposes of that area;

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed ~~out of the District Fund~~ and of estimates of receipts and expenditure, and the authority by whom, and the conditions subject to which, such plans and estimates for works and estimates of receipts and expenditure may be sanctioned;

(*h*) as to the agency by which works partly or wholly constructed ~~out of the District Fund~~ shall be executed; and

(*i*) generally, for the guidance of ~~District~~ Boards, ~~Taluk Boards, Committees, Panchayats~~ and Government Officers in all matters connected with the administration of this Regulation and for settling their relations to one another.

~~31~~ 35A. [a] (1) The District Board may, from time to time, with the previous sanction of Government and with reference to the varying circumstances of different areas subject to its authority, make, alter or rescind bye-laws, but not so as to render them inconsistent with this Regulation or with any other general or special law; Power of District Board to make bye-laws;

(*a*) for the general or special regulation, inspection and control of musafirkhanas, markets, slaughterhouses, all places used by or for animals which are for sale or hire or the produce of which is sold, all places used for offensive or dangerous trade, cart-stands and burial and burning grounds as also for regulating the conduct of business therein and for fixing the rents and other charges to be levied for the use of any of them which belong to the District Board; for markets, slaughter-houses, etc.;

(*b*) requiring licenses to be taken and prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which such licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the District Board— for licensing, regulating and inspecting certain business;

(i) as a slaughterhouse;

(ii) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables;

(iii) as a cart-stand;

(iv) for any of the purposes mentioned hereunder:—

(1) for boiling or storing offal, blood, bones or rags,

(2) for salting, curing and storing fish,

(3) for storing hides, horns or skins,

(4) for tanning,

(5) for the manufacture of leather or leather goods,

(6) for dyeing,

(7) for melting tallow or sulphur,

(8) for washing or drying wool or hair,

(9) as a brick, pottery or limekiln,

(10) for soap making,

(11) for extracting oil by boiling,

(12) as a manufactory of sago,

(13) as a distillery,

(14) for storing hay, straw, fodder, wood, coal or other combustible material,

(15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells arise or which may involve risk of fire,

prescribing the fees payable in respect of such licenses and providing for the inspection and regulation of the conduct of business in any place used as aforesaid so as to secure cleanliness therein or to minimize any injuries, offensive or dangerous effect arising or likely to arise therefrom;

for prohibiting use of other than public or licensed markets, slaughterhouses, etc.;

(*c*) directing that no place shall be used as a market or shop for the sale of animals, meat, fish, fruit or vegetables intended for human food or as a slaughterhouse or as a cart-stand or as a burial and burning ground or for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), excepting the public markets or slaughterhouses or cart-stands or burial and burning grounds constructed or opened or places set apart for

carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), by the District Board, or such other markets or slaughterhouses or cart-stands or places for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*) as may have been licensed in writing by the District Board ;

(*d*) providing for the inspection of hotels, bakeries, sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (*b*) and for securing the cleanliness of such places and the wholesomeness of the articles prepared, kept or sold therein ; for inspecting hotels, etc. ;

(*e*) regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells ; for preventing nuisances in regard to water-supply ;

(*f*) preventing nuisances affecting the public health, safety or convenience ; for preventing nuisance to public health ;

(*g*) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, along or over any road except on payment of such fees or tolls and under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally or in special licenses to be granted in each case. for controlling unwieldy traffic.

Any person infringing any bye-laws made under this Regulation shall be punished with fine not exceedingly fifty rupees for each offence , and in case of a continuing offence with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board. Infringement.

(2) The District Board shall, before making any bye-law under this section, publish in such manner as Publication of drafts of proposed bye-laws.

shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into considera tion and shall, before making the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(3) When any bye-law made by the District Board is submitted to Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

Government may sanction any bye-law or cancel its sanction.

(4) The Government may sanction any such bye-law with such modifications as it may think fit, and may at any time cancel or withdraw its sanction to any such bye-law and thereupon the bye-law shall cease to have effect.[a]

Publication of rules.

32. All rules made by the Government under this Regulation shall be published in the official Gazette both in English and in Kanarese.

CHAPTER V.

EXCEPTIONAL AND SUPPLEMENTAL PROVISIONS.

Power under special circumstances to except district from operation of Regulation.

33. (1) If the circumstances of any district or part of a district are in the opinion of the Government such that any of the provisions of this Regulation are unsuited thereto, the Government may, by a notification in the official Gazette, except the district or part of the district from the operation of those provisions, and thereupon those provisions shall not apply to the excepted district or part of the district until again applied thereto by a subsequent notification of the Government.

Power to make rules in relation to notification under sub-section (1).

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Regulation to which the notification applies. Such rules, when published in the official Gazette, shall have the force of law.

[a-a] This section was added by section 3 of Regulation X of 1911.

Acquisition of land.

34. Where any land is required for the purposes of this Regulation the Government may, at the request of the District Board, proceed to acquire it under the provisions of the Land Acquistion Regulation, 1894; and, on payment by the District Board of the compensation awarded under that Regulation and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board.

Penalty on member, officer or servant being interested in contracts made with District or Taluk Board or Committee or Panchayat

35. (*a*) If any member, officer or servant of District Board, Taluk Board, Joint Committee or Panchayat appointed under this Regulation is, otherwise than with the permission in writing of the Deputy Commissioner, directly or indirectly interested in any contract made with that Board, Committee or Panchayat, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

(*b*) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a Board, Committee or Panchayat, but he shall not take part in any proceedings of the Board, Committee or Panchayat relating to any such contract.

Liability of member for loss, waste or misapplication of property.

36. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the District Board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a Panchayat or of a Taluk Board or of the District Board; and a suit for compensation for the same may be instituted against him in any Court of competent jurisdiction by the District Board with the sanction of the Government.

Panchayats and Taluk Boards saved from law-suits Appeal against them to lie to District Boards.

37. ~~No suit shall lie against Panchayats or Taluk~~ Boards in respect of anything done by them under the provisions of this Regulation; but any person aggrieved by any act of a Panchayat, or of a Taluk Board may appeal successively to the Taluk and District Boards or appeal to the District Board, as the case may be, to which such Panchayat or Taluk Board is subordinate, and on failing to obtain redress, may file a suit against the District Board.

Restrictions with respect to actions against ~~District~~ Boards.

38. No action shall be brought against any ~~District~~ Board or any of its officers, or any person acting under its direction, for anything done or purporting to

be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff;

And unless such notice be proved, the Court shall find for the defendant;

And every such action shall be commenced within six months next after the accrual of the cause of action, and not afterwards;

And if any person to whom any such notice of action is given shall, before action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Acts of Boards; etc., not to be invalidated by informalities.

~~139.~~ Local No act of a ~~District Board, Taluk~~ Board ~~or Panchayat~~, or of any Committee, or of any person acting as a President, Vice-President, ~~Chairman~~ or member, shall be deemed to be invalid by reason only of some defect in the establishment of such Board, ~~Panchayat~~ or Committee, or on the ground that any member of such Board, ~~Panchayat~~ or Committee was disqualified for such office, or by reason of such act having been done during the period of any vacancy in the office of President, Vice-President, ~~Chairman~~, or member of such Board ~~Panchayat~~ or Committee.

~~P. N. KRISHNAMURTI,~~
~~Dewan of Mysore.~~

[A new chapter Chapter VI will be added dealing with Village Panchayats to the draft bill which is under preparation.]

MD 917—GPB—600—7-4-16

DRAFT BILL AMENDING THE MYSORE LOCAL BOARDS REGULATION, II OF 1902.

------oOo------

Chapter VI.

40. Establishment of Panchayets.

The Government may, with effect fro such date as it may appoint, establish, by notification in the Official Gazette, for each village, a Panchayet having authority over the village: Provided that where the rights of the holder of an alienated village to the enjoyment of mohatarfa are affected by the constitution of a Panchayet, the Panchayet shall be constituted subject to such condition and restrictions as may be imposed by the Government.

41. Number and appointment or election of members.

(1) Each Panchayet shall consist of such number of members not less than fiv and not more than seven as the Governmen may fix in this behalf.

Def. of village 3
'Village' has been defined in section 4 of chapter I.
28.5.17
28/5/17

(2) The members may be appointed by Government either by name or by official designation or may be elected in accordance with rules made by Government under this Regulation or some may be appointed and some elected as the Government from time to time directs.

45 42. Patel to be Ex-officio member.

(1) The Patel shall be ex-officio a member of the Panchayet.

(2) If more than one village is included in the area for which a Village Panchayet is constituted, the Government shall declare whether the Patels of all or which of such villages shall be members of the Panchayet.

46 43. Election of Chairman of Panchayet.

(a) A member of every Panchayet shall be elected to be Chairman of the said Panchayet. The Chairman of a Panchayet shall hold office for such term as the Government may by a rule under this

Regulation

Regulation fix.

(b) At every meeting of a Panchayet the Chairman shall preside, and in his absence the members of the Panchayet present shall appoint one of their number to preside thereat.

44. Proceedings to be recorded.

(a) Every resolution passed by a Panchayet at a meeting shall be recorded in a book to be kept for the purpose and shall be signed by the Chairman or the member who presided at such meeting or at the next ensuing meeting.

(b) A copy of every resolution passed at a meeting shall within 3 days from the date of the meeting be forwarded to the President of the Taluk Board.

45. Employment of officers and servants.

Subject to the rules framed by Government in this behalf, every Panchayet may employ such officers and servants and may assign to them such pay, leave al-

lowances

allowances, gratuities and pensions as the Taluk Board thinks requisite and sufficient.

46. Duties of Panchayets.

Every Panchayet shall, in the area under its authority, be under the control of the Taluk Board and shall have such authority and discharge such duties in respect of all or any of the following matters according to rules which may be made by Government from time to time.

G.O. No R Dis 4:7 LR 630 131 & 5 2 1954

(a) the construction, repair and maintenance of village roads including cart tracks;

Madras Act I of 1954 Sec 95(11)

(b) the planting and preservation of trees on the sides of roads and other public ground;

(c) the lighting of the public roads;

Madras Act I of 1954. Sec 141 (a) (b)

(d) cleansing the public roads, drains, tanks, wells and other public places in the village;

(e) carrying out improvement work like the following

following:-

(i) Constructing and repairing such tanks and wells and other works as will supply the inhabitants of the village with a sufficient supply of water for domestic use;

(ii) taking of measures tending for the improvement and assistance of agriculture, rural industries and trade;

(iii) providing facilities for travellers;

(iv) any local works or measures not otherwise provided for in this Regulation and likely to promote the health, comfort convenience, education and interests of the public or the agricultural or industrial prosperity of the village;

(v) any other matters which the Government may declare to be fit and proper ~~matters~~ to be taken under the control and administration of the Panchayet.

follows:-

(i) constructed any footpath, drain

which may cause any option works to fall

within the jurisdiction of the village

with a sufficient supply of water for

domestic use;

(ii) laying of measured 'mains' for

the improvement and sanitation of agri-

culture, rural industries and trade;

(iii) providing facilities for

transport;

(iv) any local works or measures not

otherwise provided for in this Regulation

and likely to promote the health, comfort

convenience, education and interests of

the public or the agricultural or

industrial prosperity of the village;

(v) any other matters which the

Panchayat

consider ought to be taken under the

powers conferred by or in the

Panchayat

~~47~~ 57. Property under the control of the Panchayet.

To enable the Panchayet to carry out the purposes of this Regulation all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, unless specially excepted by the Taluk Board, shall be under the control and direction of the Panchayet, and the Taluk Board may place under the control and direction of the Panchayet any other property or any institution which is under the control of such Taluk Board.

See 139, Madras Act I of 1884.

~~48~~ 58. Finances of Village Panchayets.

There shall be formed for each Village Panchayet a fund to be called the Village ~~Panchayet~~ Fund and there shall be placed to the credit thereof--

(a) Such portion of the local cess and Mohatarpha tax ~~and Panchayat Road Cess~~ as the Government may from time to time assign for expenditure by Village Panchayets in the District.

Similarly such portion of Muhtarfa tax

Govt. This clause has been amended accordingly 28/5/17

(b)

employés in the District.

ecutive for carrying by Village
on the Government may from time to time
(g) Carry portion of the local cess
should be placed to the credit thereof--
the Village Panchayet Fund and there
Village Panchayet a fund to be called
There shall be formed for each

48. Finance of village Panchayats.

control of such Taluk Board
or any institution which is under the
tion of the Panchayat any other property
ers place under the control and direc-
of the Panchayat, and the Taluk Board
shall be under the control and direction
sponsibly exercised by the Taluk Board,
Public places in the village, unless
tracts, tanks, roads and other
ciency roads and Irrigation Works, sani-
ces of such Irrigation Works, effi-
to enter
to exercise the Powers to enter

47. Inspection for the control of
the Panchayats.

(b) A tax on houses and shops situated within any village not exceeding the rates to be notified by Government generally for all Panchayets or class or Panchayets or for every Panchayet.

(c) Fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892.

(d) Tax on vacant sites and hittals within the village.

(e) All sums assigned to the Fund by the Government or contributed thereto by Local Bodies or private persons.

(f) Cess, if any, levied by Panchayets with the previous sanction of the Government.

52 49. Purposes to which the Village Panchayat Fund shall be applicable.

The Village Panchayat Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified

specified in Sections ~~45~~ 48 and ~~46~~ 49 within the area subject to the authority of the Panchayet

53 ~~50.~~ Annual Budgets of Village Panchayets.

(a) Every Panchayet shall submit annually to the Taluk Board of its Taluk, on or before such date as the said Board may appoint in this behalf, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.

(b) Every such budget shall be scrutinised and passed by the Taluk Board.

51. Power to provide for performance of duty, in default of Panchayet, powers of Deputy Commissioner and Government as regards supervision and control.

The Government may by notification apply to any Panchayet all or any of the provisions of Sections ~~12~~ 14, ~~18(5)~~ 20(4), ~~26~~ 29 to ~~30~~ 33, ~~35~~ 39, ~~36~~ 40 and ~~38~~ 42 of this Regulation with such modifications

Subject to No. Pri. Item (2) falls under the Vaccination Regulation. Items (3) & (5) under Sec 5 (1) of the B. Regn. - Vital Statistics are being compiled under rules sanctioned vide No 6664-714 Dated 71-15-3 & 10-3-1916.

Dotted underlines (1) V. Inhabitants (2) Deputy Commissioner (3) Markets (4) Cases (5) Slaughter houses etc

modifications if any as it may think fit.

52. Control of Panchayet.

† Madras Act I of 1884 Sec 128

(1) Every Panchayet shall, subject to the provisions of this Regulation, be under the Agent and/the control of the Taluk Board;

(2) and the Taluk Board, and not the Panchayet, may sue and be sued in respect of any act or omission of the Panchayet, giving rise to a cause of action. Provided that in cases where it may seem desirable it shall be lawful for the Government to declare that the powers as regards Panchayets and their Chairmen, conferred by this Regulation on Taluk Boards and their Presidents, shall not be exercised by them but by the District Board.

53. Additional powers with which Village Panchayets may be invested.

Any Village Panchayet constituted under this Regulation may be invested with all or any of the powers of a

Village

Village Court, a Tank Panchayet, a Village Forest Panchayet under the respective Regulations.

Power of Govt. to frame rules.

54. i. The Government may from time to time make rules for the purpose of carrying out the provisions of this Regulation.

ii. In particular and without prejudice to the generality of the foregoing power such rules may provide for:--

(a) The strength of each Village Panchayet, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment, term of office, removal and retirement and the filling of casual vacancies.

Powers of Chairman

(b) The conduct of proceedings of Panchayets, including the appointment and the powers of the Chairman.

(c) The mode of assessment and recovery of house and shop taxes in villages.

(d)

(d) The manner in which the contributions of the villagers in money and labour to the Village Improvement works should be levied.

(e) The guidance generally of Village Panchayets and Government Officers in all matters connected with the administration of the Regulation.

26/5/17

26.5.1917 26/5-17

(3) The manner in which the contri-

butions of the villagers in money and

labour to the Village Improvement Trust

should be levied.

(4) The assistance generally of

Village Panchayats and Government Of-

ficers in all matters connected with the

administration of the Regulation

Statement of Objects and Reasons

Government in their order No G.O. 3005-5-S.S. dated 16th November 1916 on the scheme for the development of Local self-Government in Mysore directed the amendment of the Mysore Local Boards Regulation on the following lines:-

1. That there should be an elected majority in all Taluk Boards, the proportion of the elected element being not less than two-thirds in District Boards and one half in the case of Taluk Boards.

2. That as a rule either the President or the Vice-President of a Taluk Board should be elected

3. That the Taluk Board should have independent powers, subject only to the control of the District Boards, to administer and control those

for

functions and services
which are more or less
~~require a coordinated~~
~~organisa~~ localised leaving
to the District Board those
functions and services which
require a coordinated organization
throughout the District.

4. That the Taluk Boards
should have separate funds
for administration with
a separate budget

5. That the present
system of Union administration should be abolished
and power taken to constitute
village ~~Council~~ Committees
designated Village Panchayets.
Whose functions will be

(i) Ordinary duties connected
with the maintenance of roads
sanitation water supply,
drainage &.

(ii) Improvement work as
specified in the Village
Improvement Scheme.

(iii) All other communal
work connected with education
irrigation pasture lands,

village forests, Village Courts &

~~In order~~

This Bill has therefore been framed in order to give effect to the above scheme.

All sections of the present Regulation dealing with Unions have been omitted and a new chapter added entirely dealing with Village Panchayets

Clause 2. The terms "Village" and "Village Panchayets" have been defined

Clause ~~7B~~ 10. Power is given under this clause to Govt to transfer the management of certain institutions ~~such as Educational, hospitals, dispensaries &~~ to any local ~~Boards~~ Board with its consent after placing the necessary funds at its disposal ~~also~~.

clause 8. A new clause dealing with the functions of a Taluk Board and its relation to the District

Board, is inserted.

Clause 20. - Provision is made to levy a Special cesses with the previous sanction of Govt for repayment of loans raised or for accumulating funds for a specified purpose under the Regulations

Clause 20 A. ~~This gives~~ Under this clause a separate Taluk Fund is created.

VS
20/5.

Chapter VI

A new chapter containing 15 Sections has been added dealing entirely with the Village Panchayats.

Registered No. M.—1175.

The Mysore Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY, JUNE 23, 1917.

NOTIFICATION.

No. 543—L. C., dated 22nd June 1917.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to make better provision for the constitution of Local Boards and Village Panchayets in Mysore is published for general information together with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

The Mysore Local Boards and Village Panchayets Bill.

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SCHEDULE.

A Bill to make better provision for the constitution of Local Boards and Village Panchayets in Mysore.

Preamble.

Whereas it is expedient to make better provision for the constitution of Local Boards and Village Panchayets to administer the expenditure of District Funds, Taluk Funds and Village Funds in Mysore, and to define and regulate the powers to be exercised by those Boards and Panchayets; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

Extent.

Commencement.

1. (1) This Regulation may be called "The Mysore Local Boards and Village Panchayets Regulation, 19 .

(2) It shall extend to the whole of Mysore.

(3) It shall come into force at once.

Repeal.

2. The enactments mentioned in the Schedule are hereby wholly repealed.

Interpretation.

3. In this Regulation—

(1) "District" includes such part of a District as the Government may, by notification in the official Gazette, declare to be a District for the purposes of this Regulation.

(2) "Deputy Commissioner" includes the Officer in charge of the Revenue administration of a part of a District declared as aforesaid to be a District for the purposes of this Regulation.

(3) "Taluk" includes a sub-division of a Taluk declared by the Government, by notification in the official Gazette, to be a Taluk for the purposes of this Regulation.

(4) "Local Board" means any District Board or Taluk Board constituted under this Regulation.

(5) "Village" means a local area recognized by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village as well as a group of such villages, but shall not include a local area constituted into a Municipality under the Mysore Municipal Regulation.

(6) "Village Panchayet" means a body of persons constituted under this Regulation for a village.

(7) "Prescribed day" means such day as the Government may, from time to time, prescribe.

CHAPTER II.

CONSTITUTION OF DISTRICT AND TALUK BOARDS.

Establishment of Taluk and District Boards.

4. The Government may, with effect from such date as it may appoint, establish, by notification in the official Gazette for each Taluk a Taluk Board having authority over the Taluk, and for each District a District Board having authority over the entire District, provided that such portions of a Taluk or District as are included in a Municipality shall be excluded from the jurisdiction of the Taluk or District Board.

Number and appointment or election of members.

5. Each Local Board shall consist of—

(*a*) elective members and

(*b*) such persons, if any, as the Government appoints either by name or official designation who shall be called "nominated members."

Provided that the number of elective members in a District Board shall be not less than two-thirds of the whole Board, and in a Taluk Board not less than one-half of that Board;

Provided also that each Local Board shall consist of such number of members not less than six as the Government may fix in this behalf.

Consequence of District Board coming into existence.

6. When a District Board comes into existence under section 4 for any local area, the following consequences shall ensue, namely—

(1) The rules published with the Chief Commissioner's Notification No. 110, dated the 4th July 1874, shall cease to apply to such local area, but not so as to render invalid anything done in accordance therewith:

(2) The District Committee constituted under the aforesaid Rules shall cease to exist.

(3) All property of whatever kind and all institutions committed to the management of the said Committee under the aforementioned Rules, shall vest in the District Board for the purposes of this Regulation, subject to all rights, (if any) existing over, and all debts, liabilities and obligations (if any) affecting such property and institutions.

(4) All rules and orders made under the aforesaid Rules, and all other rules, if any, in force and relating to any of the matters hereinafter dealt with, shall, so far as they are consistent with this Regulation, be deemed to have been made hereunder.

(5) When more than one District Board shall be established for the area within the jurisdiction of a District Committee, the assets and liabilities of the latter shall be distributed among such District Boards in such proportion as may be deemed most equitable by the Government.

Incorporation of Local Boards

7. (1) Every Local Board shall be a body corporate by the name of the local area for which it shall have been established and over which it has authority, shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, to transfer any movable property and, with the previous sanction of the Government, any immovable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Loans by Local Boards.

(2) But nothing herein contained shall empower any Board to raise loans for any of the purposes of this Regulation, without the previous sanction of the Government.

CHAPTER III.

Powers and Duties of Local Boards.

Powers and Duties of Local Boards.

Matters to be controlled and administered by District Boards.

8. Every District Board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, provide for the control and administration of the following matters within the area subject to its authority :—

(*a*) the construction, repair and maintenance of public roads and other means of communication;

(*b*) the planting and preservation of trees on the sides of roads and on other public ground;

(*c*) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, travellers' bungalows, musafirkhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions;

(*d*) the construction and repair of public wells, tanks, and water works, the supply of water from them and from other sources, irrigation and drainage works, and the preservation from pollution of water for drinking and cooking purposes;

(*e*) the establishment and maintenance of such relief works in time of famine or scarcity as may be entrusted to the charge of the District Board by the Government;

(*f*) the establishment and management of cattle-pounds, including such functions of the Government and the Magistrate of the District under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, as may be transferred to the District Board by the Government;

(*g*) the management of such public ferries as may be entrusted to its charge;

(*h*) the institution, holding and management of agricultural and industrial exhibitions and demonstration farms;

(*i*) the maintenance of any building or other property which is vested under this Regulation in the District Board, or may be placed by the Government under the management of that Board; and

(*j*) any other local works or measures likely to promote the health, comfort, convenience, interest or welfare of the public or the agricultural or economic improvement of the district.

Relative duties of Taluk and District Boards.

9. (1) Subject to the control of the District Board and to such rules as may be framed by Government in this behalf, every Taluk Board shall, within the area over which it has authority, have the control and administration of all purely local road works and buildings maintained at its cost and also of all local services and institutions except such as the District Board may think fit to take under its own direct control and administration.

§31 of Bom. Act I of 1884

(2) In respect of roads, works, buildings, services and institutions in the control and administration of the District Board, every Taluk Board shall, if the District Board so desires, be the agent of the District Board and as such agent, shall exercise such authority and perform such duties as the District Board may from time to time in writing delegate to it. Such delegation shall be subject to any rules which may be framed by the Government in this behalf.

Transfer by Government of certain institutions to Local Boards.

10. The Government may, at any time, with the consent of the Local Board, transfer to such Board the management of any institution not otherwise provided for by this Regulation, and it shall thereupon be lawful for such Board to undertake the management thereof:

Provided that in every such case, the funds necessary for such management shall be placed at the disposal of such Board by the Government.

Power to pass and submit resolutions.

11. A Local Board may, subject to the rules framed by the Government in this behalf, pass and submit for the consideration of Government resolutions on questions connected with the general administration of the District.

Relations of Taluk Boards and District Boards.

Taluk Boards to submit annual statements, estimates, etc., to District Boards.

12. Every Taluk Board shall submit annually to the District Board of its district, on or before such date as the said Board may appoint in this behalf, a statement of the requirements, and an estimate of the probable receipts and expenditure, of the Taluk Board for the coming official year, and a report of its proceedings, and an account of its receipts and expenditure for the past official year; and shall also submit to the District Board such other reports, if any, as the said Board may from time to time require.

The estimate of the receipts and expenditure so submitted shall be passed, rejected or modified by such authority and under such conditions as Government may prescribe, by rules framed in this behalf.

Power to reverse or vary resolution of Taluk Board.

13. A District Board may, by a majority of two-thirds of its whole number, reverse or vary any resolution of a Taluk Board within its district.

Power to provide for performance of duty in default of Taluk Board.

14. If the Taluk Board makes default in the performance of any duty imposed on it by or under this Regulation, the District Board may, by order in writing, fix a period for the performance of the duty.

If the duty is not performed within that period, the District Board may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance out of the Taluk fund appropriated to or for the purposes of the Taluk Board.

Power to declare Taluk Boards independent.

15. (1) The Government may, from time to time, by notification in the official Gazette, declare any Taluk Board established under this Regulation to be an independent Board, and may in like manner cancel such notification.

(2) A Taluk Board so declared shall, while the notification is in force, so far as may be, have, within the area subject to its authority, the powers, perform the duties, and be subject to the liabilities, of a District Board under this Regulation, and shall cease to be the agent of, and under the control of, the District Board.

Joint Committees.

Joint Committees.

16. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Committee or with more than one such Board or Committee in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Committees concerned, and in framing or modifying regulations as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more Boards or Committees acting under this section, the decision thereon of the Deputy Commissioner, if the Boards or Committees are in the same district, or of the Government, if they are not in the same district, shall be final.

Conduct of Business.

Election or appointment of President and Vice-President.

17. (1) A member of every Local Board shall be elected or appointed to be President of the said Board; and any other member may be elected or appointed to be Vice-President.

Provided that if a member is appointed President, the Board shall elect one of its members to be a Vice-President.

The President and the Vice-President of a Local Board shall hold office for such term as the Government may, by a rule under this Regulation, fix.

(2) The Government shall determine, as regards each Board, or as regards any class of Boards, whether the President and Vice-President shall be persons appointed by virtue of their office, or by name, or shall be elected.

(3) At every meeting of a Local Board, the President, or in his absence, the Vice-President, shall preside. If, when any meeting is held, the offices of President and Vice-President are both vacant, or the President and Vice-President are both absent from the meeting, the members present shall appoint one of their number to preside thereat.

Who to preside at meetings.

Certain officers entitled to attend and speak.

(4) The Sanitary Commissioner, the Principal Medical Officer of the District, the Executive Engineer and the Inspector or Deputy Inspector of Schools of the Circle shall be entitled, if they be not already members, to attend any meeting of a Local Board and to address such Board on any matter affecting, respectively, medical aid and sanitation, public works and public instruction; and shall furnish their advice in matters concerning their respective Departments whenever called upon to do so by the Local Board.

Proceedings to be recorded.

18. Every resolution passed by a Local Board, at a meeting shall be recorded in a book to be kept for the purpose, and shall be signed by the President or the member who presided at such meeting or at the next ensuing meeting.

A copy of every resolution passed by a Taluk Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Board and to the Deputy Commissioner.

A copy of every resolution passed by a District Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner, who shall submit the same to Government with his remarks, if any, and the

Government may pass such orders thereon as it may think proper and may also direct its publication in the official Gazette.

Rules as to meetings and proceedings.

19. Every District Board, and, with the previous sanction of the District Board, every Taluk Board, may, from time to time, make rules as to the time and place of its meetings, the conduct of proceedings at meetings, and the appointment, powers and proceedings of Committees;

Proviso.

Provided that no rule made under this section shall be inconsistent with this Regulation or with any rules made by the Government under this Regulation.

Officers and Servants.

Employment of officers and servants.

20. (1) Every District Board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties, and may assign to them such pay, leave allowances, gratuities and pensions as it thinks it.

(2) Every Taluk Board may employ such officers and servants and may assign to them such pay, leave allowances, gratuities and pensions as the District Board of its district thinks requisite and sufficient.

(3) In the case of an officer lent by the Government, the Local Board shall make such contributions as the Government may direct to any leave allowance, gratuity or pension which he may become entitled to in accordance with the rules for the time being in force.

(4) If, in the opinion of the Government,—

(*a*) the number of persons employed by a Local Board, under this section, or the pay, allowances, gratuities or pensions assigned by the Local Board to those persons or to any particular person, is or are excessive, or

(*b*) any such person is unfit for his employment, the Local Board shall, on the requirement of the Government, reduce the number or remuneration, or, as the case may be, dismiss the unfit person.

Vesting of property.

Power to vest property in Local Board.

21. The Government may, from time to time, by notification in the official Gazette, direct that any property, movable or immovable, which is vested in the Government, shall vest in any Local Board; and thereupon that property shall vest in that Board for the purposes of this Regulation, subject to all rights over, and all debts, liabilities and obligations (if any) affecting that property.

Finance.

Constitution of District Fund.

22. (1) There shall be formed for each district a fund to be called the District Fund, and there shall be placed to the credit thereof unless otherwise appropriated under this Regulation:—

(i) such portion of the local cess on land revenue and of other local rates as the Government may, from time to time, assign for expenditure by District Boards in the district;

(ii) a Railway cess imposed with the previous sanction of Government at a rate not exceeding six pies in the rupee on all items of revenue on which local cess is levied, to be recovered in the same manner as the local cess and to be utilized solely in the construction of tramways and rail roads;

(iii) fines and surplus proceeds of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892;

(iv) ferry collections;

(v) tolls upon carriages, carts or animals passing along roads and bridges vested in the District Board, subject to such rules as to the rates to be levied, the purposes for which the net proceeds shall be applied, and other matters, as the Government may, from time to time, prescribe;

(vi) tolls and fees leviable under section 35 (1) (*g*).

(vii) fees for licenses granted for the temporary erection of pandals and other structures in streets and other public places in a village or for any of the purposes specified in section 35 (1) (*b*) at such rates and recoverable in such manner as may be approved by the Government;

(viii) fees for the temporary use of cart-stands and of markets, market-sites, village-sites and other similar public places on the occasion of fairs and festivals, at such rates as may be fixed by the District Board;

(ix) rents and profits accruing from buildings and other property vesting in the District Board under sections 6 and 21.

(x) the sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board, and of timber fallen or felled therefrom;

(xi) all sums (including assignment of revenue) assigned to the fund by the Government, or contributed thereto by local bodies or private persons;

(xii) all sums received by the District Board in the execution of this Regulation; and

(xiii) special cess levied with the previous sanction of the Government for guaranteeing repayment of loans raised, or for accumulating funds for any specified purpose under this Regulation.

(2) The District Fund shall be vested in the District Board, and the balance standing to the credit of the fund shall be kept in the Government Treasury of the district.

Custody of District Fund.

(3) The District Board may, from time to time, with the previous sanction of the Government, invest any portion of the District Fund in securities of the Governmeet of India or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment for others of the same nature, or dispose of them. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the District Fund. It shall also be lawful for the District Board to deposit at interest with the like sanction in any bank in or outside Mysore any surplus funds in its hands.

Investment of District Fund.

23. (1) In every taluk, there shall be constituted a fund, which shall be called the Taluk Fund, and there shall be placed to the credit thereof, unless otherwise appropriated under this Regulation,

Constitution of Taluk Fund.

(i) such portion, being not less than one-half as may, from time to time, be prescribed by the Government, of the local cess levied in the taluk;

(ii) the sale proceeds of all property vested in the Taluk Board;

(iii) all sums assigned to the fund by the Government or the District Board or contributed thereto by local bodies or private persons;

(iv) all sums received by the Taluk Board in the execution of this Regulation;

(v) special cess levied, with the previous sanction of Government for guaranteeing repayment of loans raised, or for accumulating funds for any specified purpose under this Regulation; and

(vi) other sums apportioned by rules made by Government under this Regulation.

(2) The Taluk Fund shall be vested in the Taluk Board and the balance standing to the credit of the fund shall be kept in the Government treasury of the taluk.

Custody of Taluk Fund.

(3) The Taluk Board may, from time to time, with the previous sanction of the Government, invest any portion of the Taluk Fund in securities of the Government of India or such other securities as the Government may, from time to time, approve in this behalf and vary such investments for others of the same nature or dispose of them. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Taluk Fund. It shall also be lawful for the Taluk Board to deposit at interest with like sanction, in any bank in, or outside Mysore any surplus funds in its hands.

Investment of Taluk Fund.

Purposes to which the District Fund shall be applicable.

24. (1) The District Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters, specified in sections 8, 10 and 20, within the area subject to the authority of the District Board, and, with the sanction of the Government, outside of that area, and also to the following purposes:—

the payment of such portion of the cost of—

(*a*) the clerical, supervising and auditing establishments employed in the offices of Government, the Comptroller and the Deputy Commissioners of Districts in connection with the operations of Local Boards, and of

(*b*) the Provincial Departments for education, medical aid, sanitation, vaccination and public works,

as may be held by the Government to be equitably debitable to the District Board in return for services rendered by the said establishments and Departments.

Purposes for which the Taluk Fund shall be applicable.

(2) The Taluk Fund shall be applicable to the payment, in whole or in part, of the charges incidental to the several matters, specified in sections 9, 10 and 20, within the area subject to the authority of the Taluk Board.

Appointment of Finance Committees.

25. (1) Every District Board shall appoint a Finance Committee consisting of not less than three of its number.

Annual estimates of income and expenditure.

(2) Every District Board shall, on or before the prescribed day in each year, hold a meeting at which the Finance Committee shall submit to the Board, in such form as the Government may, from time to time, by rule prescribe, an estimate of the income and expenditure of the Board for the next official year.

(3) The District Board shall consider the estimate, and may approve of it with or without modification.

(4) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to pass, or to reject, or to modify, all or any of the items entered in the estimate; and no expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more supplemental estimates.

Annual accounts and audit.

26. Accounts of all the receipts and expenditure of every Local Board shall be made up to the last day of every official year, in such form as the Government from time to time prescribes, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government from time to time appoints in this behalf.

Inspection of estimate and accounts.

27. The Local Board shall cause a copy of every estimate approved under section 25 and of every account made up under section 26 to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Publication of abstract of accounts.

28. An abstract of every annual account of a Local Board, showing the income of the District Fund and Taluk Fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent, shall be prepared by the Local Board in such form as the Government, from time to time, prescribes, and published annually in the official Gazette in English and in Kanarese.

CHAPTER IV.

CONTROL.

Deputy Commissioner's power of supervision.

29. (1) The Deputy Commissioner of a District shall have power to supervise the proceedings of every Local Board or Joint Committee, in the district, and in the exercise of that power may (among other things).—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by the Local Board or Committee, or any work in progress under its direction;

(*b*) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the Local Board or Committee; and

(*c*) require the Local Board, or Committee to furnish such statements, ccounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of several districts, the Deputy Commissioner of any of those districts may exercise a like power in respect of the proceedings of that Committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Government, whose decision shall be final.

Delegation of Deputy Commissioner's power to subordinate officer.

(3) The power given under this section to a Deputy Commissioner may, with the sanction of the Government, be delegated by him, in respect of a Local Board to a subordinate officer not below the rank of an Assistant Commissioner.

Power to suspend execution of orders, etc.

30. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Local Board or Joint Committee, or the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

31. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Local Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the Local Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the District Fund or Taluk Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he uses the powers given to him by this section.

Power to provide for performance of duties in default of District Board.

32. (1) When the Government is informed on complaint made or otherwise that a District Board has made default in performing any duty imposed on it by or under this Regulation, the Government, if satisfied after due enquiry that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

Power to supersede Local Board in case of incompetency, default or abuse of powers.

33. (1) If a Local Board is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Government may by an order published, with the reasons for making it, in the official Gazette, declare the Local Board, to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of Local Board.

(2) When a Local Board is so superseded, the following consequences shall ensue :-

(*a*) all members of the Local Board shall, as from the date of the order, vacate their office as such members;

(*b*) all powers and duties of the Local Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf;

(*c*) where a Local Board is superseded, all property vested in it shall, during the period of supersession, vest in the Government:

(3) On the expiration of the period of supersession specified in the order, the Local Board shall be re-established by appointment or election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

RULES.

Power to make rules under Regulation.

34. The Government may, from time to time, make rules consistent with this Regulation, and with reference (if necessary) to the varying circumstances of different local areas,—

(*a*) as to the strength of each Local Board, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment, term of office, removal, retirement, and remuneration and allowances (if any) of members, and the filling of casual vacancies;

(*b*) as to the conduct of proceedings of Local Boards, including the appointment and powers of the President and of the Vice-President, the fixing of a quorum, the giving of the casting vote in cases of equal division, the minimum number of meetings to be held and the maximum interval between successive meetings, the formation of Committes and the delegation of powers to such Committees;

(*c*) as to the respective duties and responsibilities and mutual relations of District Boards and Taluk Boards and as to the matters in regard to which and to the extent to which the orders of a Taluk Board shall be subject to appeal to or to revision by the District Board.

(*d*) as to the mode of entering into and executing contracts and transfers of property on behalf of Local Boards, and the authority on which money may be paid from the Funds at the disposal of the Local Boards;

(*e*) as to the appointment and payment of auditors of the accounts of Local Boards;

(*f*) as to the apportionment of the District Fund between the general purposes of the district and the purposes of particular parts of the district and the appropriation of funds raised in a particular area to the purposes of that area;

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of Local Boards and of estimates of receipts and expenditure, and the authority by whom, and the conditions subject to which, such plans and estimates for works and estimates of receipts and expenditure may be sanctioned;

(*h*) as to the agency by which works partly or wholly constructed at the expense of Local Boards shall be executed; and

(*i*) as to the submission of resolutions on questions connected with the general administration of the district.

(*j*) generally, for the guidance of Local Boards, Committees, and Government Officers in all matters connected with the administration of this Regulation and for settling their relations to one another.

Power of District Boards to make bye-laws;

35. (1) The District Board may, from time to time, with the previous sanction of the Government and with reference to the varying circumstances of different areas subject to its authority, make, alter or rescind bye-laws, but not so as to render them inconsistent with this Regulation or with any other general or special law;

for markets, slaughterhouses, etc,.

(*a*) for the general or special regulation, inspection and control of musafirkhanas, markets, slaughterhouses, all places used by or for animals which are for sale or hire or the produce of which is sold, all places used for offensive or dangerous trade, cart-stands and burial and burning grounds as also for regulating the conduct of business therein and for fixing the rents and other charges to be levied for the use of any of them which belong to the District Board;

For licensing, regulating and inspecting certain business;

(*b*) requiring licenses to be taken and prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which such licenses may be granted refused, suspended or withdrawn for the use of any place not belonging to the District Board—

(i) as a slaughterhouse;

(ii) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables;

(iii) as a cart-stand;

(iv) for any of the purposes mentioned hereunder:—

(1) for boiling or storing offal, blood, bones or rags,
(2) for salting, curing and storing fish,
(3) for storing hides, horns or skins,
(4) for tanning,
(5) for the manufacture of leather or leather goods,
(6) for dyeing,
(7) for melting tallow or sulphur,
(8) for washing or drying wool or hair,
(9) as a brick, pottery or limekiln,
(10) for soap making,
(11) for extracting oil by boiling,
(12) as a manufactory of sago,
(13) as a distillery,
(14) for storing hay, straw, fodder, wood, coal or other combustible material,
(15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells arise or which may involve risk of fire.

prescribing the fees payable in respect of such licenses and providing for the inspection and regulation of the conduct of business in any place used as aforesaid so as to secure cleanliness therein or to minimize any injuries, offensive or dangerous effect arising or likely to arise therefrom;

For prohibiting use of other than public or licensed markets, slaughterhouses, etc;

(*c*) directing that no place shall be used as a market or shop for the sale of animals, meat, fish, fruit or vegetables intended for human food or as a slaughterhouse or as a cart-stand or as a burial and burning ground or for carrying out any of

the purposes mentioned in sub-clause (iv) of clause (*b*), excepting the public markets or slaughterhouses or cart-stands or burial and burning grounds constructed or opened or places set apart for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), by the District Board, or such other markets or slaughterhouses or cart-stands or places for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*) as may have been licensed in writing by the District Board;

(*d*) providing for the inspection of hotels, bakeries, sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (*b*) and for securing the cleanliness of such places and the wholesomeness of the articles prepared, kept or sold therein;

For inspecting hotels, etc.;

(*e*) regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;

For preventing nuisances in regard to water-supply;

(*f*) preventing nuisances affecting the public health, safety or convenience;

for preventing nuisance to public health;

(*g*) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, along or over any road except on payment of such fees or tolls and under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally or in special licenses to be granted in each case.

for controlling unwieldy traffic.

Any person infringing any bye-laws made under this Regulation shall be punished with fine not exceedingly fifty rupees for each offence, and in case of a continuing offence with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board.

Infringement.

(2) The District Board shall, before making any bye-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration and shall, before making the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Publication of drafts of proposed bye-laws.

(3) When any bye-law made by the District Board is submitted to Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

Objections and suggestions to be submitted to Government.

(4) The Government may sanction any such bye-law with such modifications as it may think fit, and may at any time cancel or withdraw its sanction to any such bye-law and thereupon the bye-law shall cease to have effect.

Government may sanction any bye-law or cancel its sanction.

36. All rules made by the Government under this Regulation shall be published in the official Gazette both in English and in Kanarese.

Publication of rules.

CHAPTER V.

EXCEPTIONAL AND SUPPLEMENTAL PROVISIONS.

Power under special circumstances to except district from operation of Regulation.

37. (1) If the circumstances of any district or part of a district are in the opinion of the Government such that any of the provisions of this Regulation are unsuited thereto, the Government may, by a notification in the official Gazette, except the district or part of the district from the operation of those provisions, and thereupon those provisions shall not apply to the excepted district or part of the district until again applied thereto by a subsequent notification of the Government.

Power to make rules in relation to notification under sub-section (1).

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Regulation to which the notification applies. Such rules, when published in the official Gazette, shall have the force of law.

Acquisition of land.

38. Where any land is required for the purposes of this Regulation, the Government may, at the request of the Local Board, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894; and, on payment by the Local Board of the compensation awarded under that Regulation and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Local Board.

Penalty on member, officer or servant being interested in contracts made with or Local Taluk Board or Committee.

39. (*a*) If any member, officer or servant of a Local Board, or Joint Committee appointed under this Regulation is, otherwise than with the permission in writing of the Deputy Commissioner, directly or indirectly interested in any contract made with that Board or Committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

(*b*) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company, and a Board or Committee, but he shall not take part in any proceedings of the Board or Committee relating to any such contract.

Liability of member for loss, waste or misapplication of property.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Local Board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a Local Board and a suit for compensation for the same may be instituted against him in any Court of competent jurisdiction by the Local Board with the sanction of the Government.

Restrictions with respect to actions against Local Boards.

41. No action shall be brought against any Local Board or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff;

And unless such notice be proved, the Court shall find for the defendant;

And every such action shall be commenced within six months next after the accrual of the cause of action, and not afterwards;

And if any person to whom any such notice of action is given shall, before action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Acts of Boards, etc., not to be invalidated by informalities.

42. No act of a Local Board, or of any Committee, or of any person acting as a President, Vice-President, or member, shall be deemed to be invalid by reason only of some defect in the establishment of such Board, or Committee or on the

ground that any member of such Board, or Committee was disqualified for such office, or by reason of such act having been done during the period of any vacancy in the office of President, Vice-President, or member of such Board, or Committee.

CHAPTER VI.

VILLAGE PANCHAYETS.

Establishment of Village Panchayet.

43. The Government may, with effect from such date as it may appoint, establish, by notification in the Official Gazette, for each village, a Village Panchayet having authority over the village: Provided that where the rights of the holder of an alienated village to the enjoyment of mohatarfa are affected by the constitution of a Village Panchayet, the Panchayet shall be constituted subject to such conditions and restrictions as may be imposed by the Government.

Number and appointment of members.

44. (1) Each Village Panchayet shall consist of such number of members not less than five and not more than nine as the Government may fix in this behalf.

(2) Each Panchayet shall consist of—

(*a*) elective members and

(*b*) such persons, if any, as the Government appoints either by name or official designation who shall be called "nominated members";

Provided that the number of elective members in a Village Panchayet shall be more than one-half of the whole Village Panchayet; and

Provided also that each Village Panchayet shall consist of such number of members not less than three, and not more than seven as the Government may fix in this behalf.

Patel to be *ex-officio* member.

45. (1) The Patel shall be *ex-officio* a member of the Panchayet.

(2) If more than one village is included in the area for which a Village Panchayet is constituted, the Government shall declare whether the Patels of all or which of such villages shall be members of the Panchayet.

Election of Chairman of Village Panchayet.

46. (*a*) A member of every Village Panchayet shall be elected to be Chairman of the said Village Panchayet. The Chairman of a Village Panchayet shall hold office for such term as the Government may by a rule under this Regulation fix.

(*b*) At every meeting of a Village Panchayet the Chairman shall preside, and in his absence the members of the Village Panchayet present shall appoint one of their number to preside thereat.

Proceedings to be recorded.

47. (*a*) Every resolution passed by a Village Panchayet at a meeting shall be recorded in a book to be kept for the purpose and shall be signed by the Chairman or the member who presided at such meeting or at the next ensuing meeting.

(*b*) A copy of every resolution passed at a meeting shall within three days from the date of the meeting be forwarded to the President of the Taluk Board.

Employment of officers and servants.

48. Subject to the rules framed by Government in this behalf, every Village Panchayet may employ such officers and servants and may assign to them such pay, leave allowances, gratuities and pensions as the Taluk Board thinks requisite and sufficient.

Duties of Village Panchayets.

49. Every Village Panchayet shall, in the area under its authority, be under the control of the Taluk Board and shall have such authority and discharge such duties in respect of all or any of the following matters according to rules which may be made by Government from time to time—

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(*a*) the construction, repair and maintenance of village roads including cart tracks;

(*b*) the planting and preservation of trees on the sides of roads and other public ground;

(*c*) the lighting of the public roads;

(*d*) cleansing the public roads, drains, tanks, wells and other public places in the village;

(*e*) carrying out improvement work like the following:—

(i) constructing and repairing such tanks and wells and other works as will supply the inhabitants of the village with a sufficient supply of water for domestic use;

(ii) taking of measures tending for the improvement and assistance of agriculture, rural industries and trade;

(iii) providing facilities for travellers;

(iv) all other communal work connected with education, irrigation, pasture lands, village forests, village courts and any other local works or measures not otherwise provided for in this Regulation and likely to promote the health, comfort, convenience, education and interests of the public or the agricultural or industrial prosperity of the village; and

(v) any other matters which the Government may declare to be fit and proper to be taken under the control and administration of the Village Panchayet.

Property under the control of the Village Panchayet.

50. To enable the Village Panchayet to carry out the purposes of this Regulation all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, unless specially excepted by the Taluk Board, shall be under the control and direction of the Village Panchayet, and the Taluk Board may place under the control and direction of the Village Panchayet any other property or any institution which is under the control of such Taluk Board.

Finances of Village Panchayets.

51. There shall be formed for each Village Panchayet a fund to be called the Village Fund and there shall be placed to the credit thereof:—

(*a*) such portion of the local cess and mohatarfa tax as the Government may from time to time assign for expenditure by Village Panchayets in the district,

(*b*) a tax on houses situated within any village not exceeding the rates to be notified by Government generally for all Village Panchayets or class of Village Panchayets or for any Village Panchayet,

(*c*) fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892,

(*d*) tax on vacant sites and *hittals* within the village, and

(*e*) all sums assigned to the Fund by the Government or contributed thereto by local bodies or private persons.

Power to levy cess.

52. A Village Panchayet may also levy, with the previous sanction of Government and subject to such rules as may be framed by Government in this behalf, a cess for any purpose specified in Section 48.

Provided that the levy of the cess is agreed to by not less than three-fourths of the members constituting the Panchayet.

The cess so levied shall be credited to the Village Fund.

Purposes to which the Village Fund shall be applicable.

53. The Village Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 48 and 49 within the area subject to the authority of the Village Panchayet.

Annual Budgets of Village Panchayets.

54. (*a*) Every Village Panchayet shall submit annually to the Taluk Board of its taluk, on or before such date as the said Board may appoint in this behalf, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.

(*b*) Every such budget shall be scrutinised and passed by the Taluk Board.

55. The Government may by notification apply to any Village Panchayet all or any of the provisions of sections 14, 20 (4), 29 to 33, 39, 40 and 42 of this Regulation with such modifications, if any, as it may think fit.

Power to provide for performance of duty in default of Village Punchayets, powers of Deputy Commissioner and Government as regards supervision and control.

56. (1) Every Village Panchayet shall, subject to the provisions of this Regulation, be the agent and under the control of the Taluk Board;

Control of Village Panchayet.

(2) and the Taluk Board, and not the Village Panchayet, may sue and be sued in respect of any act or omission of the Village Panchayet, giving rise to a cause of action: Provided that, in cases where it may seen desirable, it shall be lawful for the Government to declare that the powers as regards Village Panchayets and their Chairmen, conferred by this Regulation on Taluk Boards and their Presidents, shall not be exercised by them but by the District Board.

57. Any Village Panchayet constituted under this Regulation may be invested with all or any of the powers of a Village Court, a Tank Panchayet, a Village Forest Panchayet under the respective Regulations.

Additional powers with which Village Panchayet may be invested.

58. (1) The Government may from time to time make rules for the purpose of carrying out the provisions of this Regulation.

Power of Government to frame rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for:—

(*a*) the strength of each Village Panchayet, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment, term of office, removal and retirement and the filling of casual vacancies,

(*b*) the conduct of proceedings of Village Panchayets, including the appointment and the powers of the Chairman,

(*c*) the mode of assesement and recovery of house and shop taxes in villages, and

(*d*) the guidance generally of Village Panchayets and Government Officers in all matters connected with the administration of the Regulation.

SCHEDULE.

Enactments Repealed.

(See section 2.)

No. and year	Title or subject
II of 1902	The Mysore Local Boards Regulation.
X of 1911	A Regulation to amend the Mysore Local Boards Regulation, 1902.
V of 1914	A Regulation further to amend the Mysore Local Boards Regulation, 1902.
III of 1915	A Regulation further to amend the Mysore Local Boards Regulation, 1902.

Statement of Objects and Reasons.

Government in their Order No. 3005-55—M1. 132-16-1, dated 16th November 1916 on the scheme for the development of Local Self-Government in Mysore directed the amendment of the Mysore Local Boards Regulation on following lines.

1. That there should be an elected majority in all Taluk Boards, the proportion of the elected element being not less than two-thirds in District Boards and one-half in the case of Taluk Boards.

2. That as a rule either the President or the Vice-President of a Taluk Board should be elected.

3. That the Taluk Board should have independent powers, subject only to the control of the District Boards, to administer and control those functions and services which are more or less localised, leaving to the District Board those functions and services which require a coordinated organisation throughout the district.

4. That the Taluk Boards should have separate funds for administration with a separate budget.

5. That the present systems of Union administration should be abolished and and power taken to constitute Village Committees designated Village Panchayets whose functions will be:—

(i) Ordinary duties connected with the maintenance of roads, sanitation, water-supply, drainage etc.

(ii) Improvement Work as specified in the Village Improvement Scheme.

(iii) All other Communal Work connected with education, irrigation, pasture lands, village forest, village courts, etc.

This Bill has therefore been framed in order to give effect to the above scheme.

All sections of the present Regulation dealing with Unions have been omitted and a new chapter added entirely dealing with Village Panchayets.

Clause 9.—A new clause dealing with the functions of a Taluk Board and its relation to the District Board is inserted.

Clause 10.—Power is given under this clause to Government to transfer the management of certain institutions to any Local Board with its consent after placing the necessary funds at its disposal.

Clause 22.—Provision is made to levy a special cess with the previous sanction of Government for repayment of loans raised or for accumulating funds for a specified purpose under the Regulation.

Clause 23.—Under this clause a separate Taluk Fund is created.

Chapter VI.—A new chapter containing 16 sections has been added dealing entirely with the Village Panchayets.

GPB—1,180—23-6-1917.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Legislation
File No. 47-16
Serial No. 1

GENERAL AND REVENUE SECRETARIAT,
( )
, the 191 .

No. Pol. 1288/one

Date of issue 26th June 1907

Signed by B. Narasimha Rao

To

The J. A. Resident in
Mysore, Bangalore

Sir

I am directed to forward herewith a copy of the Mysore Local Boards and Village Panchayets Bill the statement of Objects and reasons accompanying the Bill explains the scope of the measure. The Bill will be placed befo

over.

the Legislative Council on
the 29th instant

I have &c.

GS 26/6

For Secretary to Govt.

G.D.

MC
26/6/17

List of enclosure

one copy of bill

MC 26/6/17

Copied by

Examined by

WD 86—GPB—60,000—15-11-16

GEN. & REV. SEC. 3 JUL 1917

No. 5051.

Please note and file 4/7

SECTION closed
FILE No. 47-16
SERIAL No. 2

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

Rl. 10
4-7-17

GEN. & REV. SECRETARIAT
JUDICIAL
JUL 1917
4 to 5 1 p.m.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
GENERAL DEPARTMENT.

Dated Bangalore, 3rd July 1917

SIR,

I am directed to acknowledge the receipt of your letter No.1288 Pol., dated the 26th June 1917, forwarding a copy of the Mysore Local Boards and Village Panchayets Bill, and, in reply, to say that the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

2. As the Bill will require a reference to the Government of India, a further communication from the Durbar will be awaited.

3. It would be convenient, I am to add, if the Durbar were to give the Residency earlier notice of their Legislative programme. The letter under reply was not received in this office in sufficient time for the provisions of the Bill to be examined and for a reply to be sent to you before the Bill was introduced into the Legislative Council.

I have the honour to be,
Sir,
Your most obedient servant,

FIRST ASSISTANT RESIDENT.

R. O. 2.—R. P. B.—6-1917.—500.

File copy
Please = typographical errors corrected in pages 17 & 28.

As amended by the Legis. Council on the 28th Sept: 1918.

NOTIFICATION.

No. 161—L. C., dated 27th August 1917.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee appointed to consider the Mysore Local Boards and Village Panchayets Bill together with the Bill as, amended by them is published for general information.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Mysore Local Boards and Village Panchayets Bill.

We the members of the Select Committee appointed to consider the Local Boards and Village Panchayets Bill have carefully examined the Bill and have the honor to report as follows :—

2. *Clause 3.*—We consider that the words "District" and "Taluk" should be better defined and have accordingly adopted the following :—

"District" means any local area, which, for the purposes of the collection of land revenue, shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may by notification in the official Gazette from time to time declare to be a district or to be attached to and to form part of a district.

"Taluk" means any part of a district which may be declared to be a taluk under the Mysore Land Revenue Code and includes a sub-division of a taluk declared by Government by notification in the official Gazette to be a taluk for the purposes of this Regulation.

3. *Clause 5.*—As the minimum of the six members for a District Board is considered very small, we have raised it to 12, in the case of a District Board and retained the minimum of 6 in the case of a Taluk Board.

The second proviso as revised reads thus :—

"Provided also that every Local Board shall consist of such number of members not less than twelve in the case of a District Board and not less than six in the case of a Taluk Board, as the Government may fix in this behalf."

4. *Clause 6.*—This clause has been omitted as all the District Committees constituted under the Rules published with the Chief Commissioner's Notification of 1874 ceased to exist when the Regulation of 1902 was brought into force, and as there is no longer any necessity to provide for the devolution of their rights and liabilities.

5. *Clause 7 (2).*—We consider that the District Boards should be expressly empowered to raise loans for any of the purposes of the Regulation, and have redrafted this clause in the positive form.

"Any Local Board may, with the previous sanction of Government raise loans for any of the purposes of this Regulation."

6. *Clause 8.*—The clause as drafted in the Bill makes it obligatory on the District Board to provide out of its funds for the control and administration of "irrigation and drainage works, demonstration farms, and the agricultural and economic improvement of the district." We consider that the expenditure for these purposes should only be discretionary with the District Boards, and that these discretionary functions should be provided for under a separate clause.

These terms occurring in sub-clauses (*d*), (*h*) and (*j*) have therefore been omitted and an additional clause has accordingly been inserted thus, after clause 8 :—

9. "Local Boards may, at their discretion, provide out of their funds, either wholly or partly for—

(1) irrigation and drainage works,

(2) demonstration farms,

(3) encouragement of industries and

(4) any other measure intended to promote agricultural or economic improvement of the district."

7. *Clause 11.*—The privilege sought to be given under this clause is intended to educate the Local Boards so that they might take an active interest in the administration of the district in regard to their general wants. After much consideration we are of opinion that the clause should be recast as follows :—

"Local Boards may, subject to such restriction and conditions as may be imposed by Government by rules framed in this behalf, pass and submit for the consideration of Government resolutions on questions connected with the administration of the district or taluk as the case may be."

8. *Clause 13.*—Under the new clause 9, the jurisdiction of the Taluk Board is sufficiently restricted and brought under the control of the District Board. We consider that the independence of the Taluk Board should not be unnecessarily curtailed, and that a time limit should be introduced for the exercise of the power by the District Board under this clause. The clause is accordingly redrafted thus :—

"A District Board may, by a majority of two-thirds of its whole number, reverse or vary any resolution of a Taluk Board within its district, within three months from the date of receipt of the resolution, after recording its reasons therefor."

9. *Clause 16.*—The expression "Municipal Committee" has been corrected into "Municipal Council". We consider that the clause should be comprehensive enough to include Taluk Board, and that the ultimate decision in case of dispute between two or more local authorities in delicate and important matters, particularly those in which questions of policy are involved, should rest with the Government and not the Deputy Commissioner. The word "Local Board" has been substituted for "District Board" in sub-clause (1) and sub-clause 2 has been amended thus :—

"If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government.

Provided that the Government may delegate its power under this section to such officer in such matters and to such extent as may be prescribed by rules framed in this behalf."

10. *Clause 17 (1) and (2).*—As these two sub-clauses should properly come under Chapter II, and not under the heading "Conduct of business," we have placed it as a separate clause after the present clause 5.

11. We consider that in cases where the Board may fail to *elect* a suitable Vice-President, Government shall have power to appoint one of the members as Vice-President, and have inserted another proviso, to the following effect :—

"Provided also that it shall be competent to Government to appoint a Vice-President, if the Board fails to elect one of its members to be the Vice-President in accordance with rules framed in this behalf."

12. The word "and" in clause 2 is inconsistent with the previous clause and is accordingly changed into "or," and we have also omitted the word "persons" and altered the word "their" into "his."

13. In sub-clause (3) "if any" has been added after "Vice-President."

14. *Sub-clause (4) of clause 17.*—As we consider that the "Principal Sanitary Officer of the District" is the proper person to attend the meetings of the Local

Boards and as it will be impossible for the Sanitary Commissioner to furnish advice if every Local Board were to seek his advice in matters which could conveniently be attended to by local officers, the expression "Sanitary Commissioner" has been replaced by the expression "the Principal Sanitary Officer." The expression "District Inspector of Schools" has been substituted for "the Inspector or Deputy Inspector of Schools of the Circle," to suit the phraseology now in vogue in the Educational Department.

15. *Clause 18.*—We have added "Vice-President" after "President" and altered "who presided" into "presiding."

16. *Clause 19.*—It is not necessary that the District Boards should interfere with regard to the Taluk Boards' decisions regarding the time and place of meeting and hence the words "and with the previous sanction" of the District Board 'every Taluk Board' have been omitted, and the expression "Every District Board" has been changed to "Every Local Board."

17. *Clause 20.*—Under the existing Regulation, full powers of appointment are vested in the District Boards, though they are subject to the powers of Government under sub-clause (4). In practice, however, these powers have never been exercised by the District Boards. We consider that certain restrictions are necessary in the exercise of their powers by the District Board, and that the necessary supervision and control may be provided for in these rules. As there is also no provision for payment of allowances other than "leave allowances" the word "leave" has been omitted. Clause (2) and clause (4) have thus been omitted and clause (1) has been recast as follows:—

"(1) Subject to such rules as may be framed by Government from time to time in this behalf, every Local Board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties and may assign to them such pay, allowances, gratuities, and pensions as it thinks fit."

18. *Clause 22.*—We consider that the levy of a special cess and the railway cess should be provided for in a separate section, and that for the levy of both the special cess and the railway cess, there should be a special resolution of not less than three-fourths of the members present at a meeting specially convened in that behalf and such resolution shall also be confirmed after a period of three months by like majority.

19. The new clause will read as follows:—

"The District Board may also levy with the previous sanction of Government and subject to such rules as may be framed by Government in this behalf,

(*a*) a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied to be utilized solely in the construction of tramways and rail roads and

(*b*) a cess for guaranteeing the repayment of loans raised for a specified purpose under this Regulation":—

provided that the cess (in either case) shall not be levied unless the levy thereof is determined by a resolution of the District Board supported by not less than three-fourths of the members present at a meeting specially convened in that behalf, such resolution being confirmed after a period of three months by a like majority at a like meeting"

20. A similar alteration has been made in sub-clause (v) of clause 23 in regard to the cess to be levied by the Taluk Board.

21. *Sub-clause 3 of clauses 22 and 23.*—As we consider it expedient that the District Funds should be invested in Mysore, and not outside the State, we have omitted the words "or outside" in this clause as well as in 23 (3). The words "for others of the same nature" will unduly restrict the scope of investment and have been omitted, but as a safeguard we have provided that the sanction of Government should be obtained for varying the investment.

22. *Clause 24.*—At present out of the one anna local cess levied, 24 per cent is utilised for the Village School Fund, and the balance only is credited to the

District Board. Clause 22 (1) (*i*) is comprehensive enough to localise this procedure. We are of opinion that it is not necessary to provide for education again separately in this clause, that it is not desirable that the District Boards should be asked to contribute towards the cost of establishment of the Deputy Commissioner or other higher officers or of the provincial establishment of medical aid, etc., but that provision should be made for the expenses of audit being borne by the Local Boards.

The scope of the Local Boards' functions has been extended and is well defined in clauses 8, 9, 11 and 21. Powers of supervision and control exercised by the central Government should not cause any financial burden to be thrown on the Local Boards and should in our opinion be borne by the Provincial Funds.

The clause as revised stands as follows:—

"The District Fund shall be applicable

(*a*) to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in Sections 8, 9, 11 and 21 within the area subject to the authority of the District Board, and with the sanction of Government, outside that area, and

(*b*) to the payment of the expenses attending the audit of accounts of the Local Boards as hereinafter provided."

23. *Clause 25 (4).*—We consider it preferable to substitute the words "to sanction the estimates with such modifications, if any, as it deems fit," for the words "to pass or to reject or to modify all or any of the items entered in the estimate."

24. *Clause 29.*—The word "Joint" having been omitted before the word committee in sub-clauses (*a*), (*b*) and (*c*), the same has now been inserted.

25. *Clause 33 (2) (c).*—At the end of this clause, the words "subject to all rights over, and all debts, liabilities and obligations (if any) affecting the property," has been inserted in accordance with the general principle of law that he who takes the estate should take the burden also.

26. *Clause 35.*—In the paragraph about "infringement" we consider it necessary to insert "on conviction before a Magistrate" after "shall" as it would otherwise give an impression that the District Board is competent to take cognizance of the offence.

27. *Clause 41.*—The paragraph "And unless such notice be proved, the court shall find for the defendant" is omitted as superfluous.

28. *Clause 43.*—We are of opinion that the vested rights of inamdar to the mohatarfa or any other items of revenue should not be affected by the constitution of a Village Panchayet in an alienated village. We have accordingly re-drafted the proviso thus:—

"Provided that in the case of an alienated village, the rights, if any, of the holder of such village to the enjoyment of mohatarfa or any other item of revenue shall not be affected by the constitution of a Village Panchayet in such village."

29. *Clause 44.*—We consider that the maximum should be fixed at 12 instead of at nine and that the second proviso be omitted as being unnecessary.

30. *Clause 45.*—We consider that when a Village Panchayet is constituted for a group of villages, the Patel of each such village shall be an *ex-officio* member of the Panchayet. The sub-clause (2) is accordingly omitted, and the following substituted for it.

"If more than one village is included in the area for which a Village Panchayet is constituted the Patel of each such village shall be an *ex-officio* member of the Panchayet."

31. *Clause 46.*—We consider that as far as possible the Chairman of the Panchayet shall be elected, but we consider that it is necessary to provide for

nomination by the Deputy Commissioner in special cases, *e.g.*, the case of Panchayets established in alienated villages. The clause as amended stands thus:—

"Subject to such rules as may be framed by Government in this behalf, a member of every Village Panchayet shall ordinarily be elected to be Chairman of the said Village Panchayet. Provided that in special cases in which the chairman is not elected it shall be competent to the Deputy Commissioner to appoint a member of any Village Panchayet to be a chairman thereof."

32. *Clause 52.*—We consider that levy of a cess should have the consent of a large majority of the people, and that the minimum number of members that should consent to the levy should be therefore fixed at four-fifths instead of at three-fourths of the total number of members constituting the Panchayet.

33. *Clause 57.*—As the several Regulations mentioned in this clause provide for the constitution of the respective Panchayets, their powers and functions, and as the basis of election and appointment are different, we consider that unless those regulations are suitably amended, it is not desirable to retain this clause.

In order to give effect to the policy of Government embodied in the draft, we suggest that power should be taken under the respective Regulations to vest the respective powers in a Village Panchayet constituted under this Regulation.

34. *New clauses 63 to 68.*—We consider that a separate chapter should be added under the heading "*Recovery of dues,*" and provision should be made for the recovery of the dues on the lines of those in force in Madras.

The following provisions have accordingly been added:—

"63 (1) Where any tax, cess or other dues shall remain unpaid ten days after the same is due, the President of the Local Board or the Chairman of the Village Panchayet or some person duly authorised in writing in this behalf, may serve upon the person or persons liable to pay the tax, cess or other dues, a notice in writing in a form to be prescribed by rules framed in this behalf.

(2) If such person shall not within fifteen days from the service of such notice of demand upon him pay the sum due, or show cause to the satisfaction of the President or Chairman, why the same should not be paid; the President, Chairman or other person duly authorised in that behalf, may levy such sum, with all costs, in any of the following ways:—

(1) by distraint and sale of the moveable property of the defaulter.

(2) if for any reason the distraint or a sufficient distraint of the defalter's property is wilfully rendered impracticable by the defaulter or by some other person at his instigation, by prosecuting him before a Magistrate, provided that the prosecution shall be stayed as soon as the sum due with all costs is deposited.

(3) Any person bound to pay any tax who shall be prosecuted under this section before a Magistrate shall be liable, on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or sufficient distraint, to pay a fine not exceeding twice the amount of the tax found to be due, and shall also pay such tax and the costs of the prosecution.

64. In order to the distraint and sale of property under sub-section 2 of section 63, the President, Chairman or other officer duly empowered in this behalf shall issue a warrant in the form to be prescribed by rules and for each such warrant a warrant fee of two annas shall be leviable.

65. The President, Chairman or other person duly authorised as aforesaid shall make an inventory of the property distrained and if the amount due is not paid within fifteen days after distraint, the property may be sold.

66. The President of the Local Board or the Chairman of the Village Panchayet shall give to every person making payment of a tax, cess or other dues a receipt therefor signed by him, or some person duly authorised by him in that behalf. Such receipt shall specify

(1) the date of the grant thereof;

(2) the name of the person by whom it is granted;

(3) the tax, cess or other dues in respect of which the payment has been made;

(4) the period for which the payment has been made; and

(5) the amount in respect of which it is granted.

67. Whenever, under the provisions of the Regulation, any property is distrained, seized or sold in consequence of the non-payment of any tax, cess or other dues, such distraint, seizure, and sale shall be effected subject to the provisions of Section 62 of the Code of Civil Procedure and to the conditions, exceptions and exemptions hereinafter provided.

(i) The following property shall not be liable to distraint:—

(*a*) the necessary wearing apparel (and bedding) of the defaulter, his wife and children,

(*b*) tools of artisans, and

(*c*) where the defaulter is an agriculturist, his implements of husbandry and such cattle (and seed-grain) as may, in the opinion of the President of the Local Board or the Chairman of the Panchayet under whose authority such seizure is made, be necessary to enable the defaulter to earn his livelihood.

(ii) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the tax, toll or fee and distraint fee and the probable expenses incidental to the detention and sale of the said property.

(iii) When the property seized is subject to speedy and natural decay, and when the expense of keeping it in custody and the amount of the tax due will exceed its value, the person seizing the property shall at once, after seizure of such property, give notice to the person in whose possession it was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount due be forthwith paid.

(iv) Any surplus that may remain after deducting the amount of the toll, tax or fee and of the said expenses, including the expenses of the sale, shall be returned on demand, if made within six months to the owner of the property, or if no demand be made within such period, shall be credited to the Local Fund.

68. Nothing herein contained shall preclude the institution of a suit for any amount due under this Regulation."

35. *New clauses 40 and 41.*—As at present there is no provision enabling the Local Boards to take any action where epidemics break out in any area under their control, provisions similar to Sections 100 C and 100 D of the Madras Local Boards Act, V of 1884, have been added after clause 39 under the heading "Exceptional and supplemental provisions."

"40. (1) The President of a Local Board, or any person duly appointed by him in writing in this behalf, may enter at any time, after two hours' notice into any building or premises in which any dangerous infectious disease is reported or suspected to exist, for the purpose of inspecting such building or premises.

President of a Local Board to have power of entry to buildings, etc., where infectious disease exists.

(2) No such inspection shall be made except in the hours between sunrise and sunset.

Hours of inspection.

(3) If the President or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection would tend to prevent or check the spread of any dangerous infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice. Provided that if the President or such person considers that immediate action is necessary or that the

owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the said President or such person may himself cause such building, premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by the President or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with the said requisition.

"41. (1) The President of a Local Board shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectious disease may be washed or disinfected.

President to notify places for washing and disinfecting.

(2) The President may direct the destruction of bedding, clothing or other articles likely to retain such infection, and shall on demand give compensation for articles destroyed.

Infected articles may be destroyed.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1) of this section, shall, on conviction before a magistrate, be liable to a fine not exceeding rupees fifty."

Penalty.

36. *New sub-clause* (h) *of clause 38.*—We have also added the following sub-clause (*h*) to clause 38 (Power of District Board to make bye-laws) so as to give power to the District Boards to frame bye-laws for providing for inspection of travellers, segregation of infected persons or persons suspected of being infected.

"(*h*) Providing for the inspection of persons travelling by railway or otherwise, and the segregation in hospital, temporary accommodation or otherwise of persons suspected of being infected or infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof."

Inspection of travellers and segregation of infected persons, etc.

37. The other amendments are of a verbal nature and do not call for any remarks.

A. R. BANERJI.
K. P. PUTTÁNNA CHETTY.
K. R. SREENIVASA IYENGAR.
C. S. BALASUNDARAM IYER
C. S. DORASWAMI IYER.
S. SEETHARAMIAH.
B. NARASINGA RAO.
M. VENKATAKRISHNAIYA.
B. K. GARUDACHAR.

NOTE OF DISSENT BY MR. M. BASAVA IYA.

In the light of my remarks during the discussion of the Bill to amend the Mysore Municipal Regulation, VII of 1906, and in the Select Committee appointed to consider that Bill, I beg to submit the following report on the Mysore Local Boards Bill.

Section 5 of Chapter II of the Bill which provides for the constitution of District and Taluk Boards enacts that "every Local Board shall consist of:

A. Elected Members and

B. Such persons, if any, as the Government appoints either by name or by official designation, who shall be called nominated members, provided that the number of elected members in the District Board shall be not less than two-thirds of the whole Board, and in a taluk not less than one-half of that Board."

The provisions of the Bill are chiefly taken, from the Madras and Bombay Local Boards Acts and the Central Provinces, North-West Provinces, and Punjab Acts. The finances of the Local Boards, are enumerated in sections 22 and 23 of the Bill, where the chief revenue for the Local Board is a portion of the local cess on Land Revenue, local rates, tolls, fees, and special cess leviable under these sections.

The chief classes of persons that will be affected by this Regulation are the agriculturists or raiyats, mercantile classes, and professions living and carrying on business within the respective jurisdiction of the several Local Boards. We have in Mysore, a class of landholders who are not really agriculturists or raiyats, but who own large landed property only as an investment.

Section 5 of the Central Provinces Local Self Government Act, provides in clause (A) for the representation of members from among the Mukadams or headmen of the village within the circle, and (B) representatives of mercantile classes or professions resident within the area, elected by or appointed on behalf of those classes or professions, and (C) other persons not exceeding in number one-third of the Board. The same provisions are followed in section 6 and section 34.

In the North Western Provinces and Oudh Local Boards Act, XIV of 1883, section 55 provides that not less than one-half of the members of the Committee shall be persons who own landed properties, or reside, or carry on trade, or business in the district, and there is a similar provision in the proviso to section 68 of the Punjab District Boards Act, XX of 1883.

The Representation of communities in the Mysore District Boards in 1917 is as follows:—

Names	Brahmins	Kshatriyas and Vaisyas	Lingayets	Vokkaligars	Other Hindus and Jains	Depressed classes	Mussalmans	Christians	Total
1. Bangalore District ...	10	...	3	3	...	...	1	1	18
2. Mysore „ ...	8	1	3	1	2	...	2	1	18
3. Tumkur „ ...	10	1	2	...	3	...	1	...	17
4. Kadur „ ...	8	...	4	2	...	...	2	3	19
5. Hassan „ ...	9	2	5	2	2	...	2	1	23
6. Shimoga „ ...	12	...	3	2	...	...	2	2	21
7. Kolar „ ...	7	1	...	7	...	...	1	...	16
8. Chitaldrug „ ...	6	2	7	2	...	...	1	...	18
Total ...	70	7	27	19	7	...	12	8	150

The question now is whether in 1917 in the face of the figures given above it is desirable to keep the section in the Bill, silent as regards the qualification of the members,—secondly—to give room for *nomination* of non-official members—thirdly—to have a preponderence of certain communities in the Local Boards, who, when they combine with the official members who chiefly belong to that community would in effect have such predominence over other communal interests that the responsibility and equilibrium of power would be unevenly balanced between such interests and render the position of the other and larger communal interests really helpless, to reduce the latter to a mere nominal representation without a power to check an one sided action in such Boards? I therefore suggest that all the non-official members should be elected on the numerical strength of large communities or groups of smaller communities, that direct representation on a remodelled electoral basis should be kept in view and that a democratic spirit in the people should be cultivated, and should not be made sub-servient to any advanced interest, particularly in view of the fact, that the duties and the responsibilities of the rate-payers within those areas are greatly increased by the introduction of a power to raise a special cess which in the proposed Bill is left without a limit, and a provision to raise loans, with power to pass and submit resolutions to Government, and to provide funds for the control and administration of irrigation, drainage,

demonstration forms, and the agricultural and economic improvement of the district, which in my opinion are really very drastic powers proposed to be vested in Local Boards who have not worked to any great satisfaction in Mysore.

Clause 11.—I am not in favour of vesting a power in the Local Boards to pass resolutions on *Administrative* questions beyond the scope of their legitimate function concerning the local Boards, as this would unnecessarily lead to grave administrative problems.

Clause 17.- Considering the low percentage of literacy in the country and the social differences which now exists, I am not in favour of having an elected President or Vice-President, unless the Government has a right of *Veto*, and no non-official member shall be elected as President or Vice-President, until all the communal interests are fairly represented in the Board and that not less than three-fourths of the members of the Board elect the President or Vice-President.

Clause 22.—The power to levy the special cess and the Railway cess shall not be given to the Local Board unless all the communal interests are fairly represented in such Boards. The provisions in clause 63 are very drastic and coercive. Considering the constitution of the Local Boards I fear it will do more harm than good, and I propose that clauses 63 to 67 may be altogether deleted retaining utmost clause 68.

In clause 44, sub-clause 2 of the Bill, the constitution of the Village Panchayets is expected to carry out all communal work. Section 49 (*e*) sub-clause 4 must be such as would be constituted to represent the different communal interests in the village.

It would be pertinent to point out the following portion of the Government review on the District Fund Administration reports and accounts for the year 1915-16, in their Order No. 6360-74, dated 2nd April 1917.

"In none of the districts, except Chitaldurg, did these Boards or Committees meet the prescribed number of times (12), to check the District Fund Account. The Committee of the Bangalore District does not appear to have checked any of the accounts, while in the Mysore District, the accounts only for one month appear to have been checked. This is not satisfactory. There was however considerable delay in the disposal of objection statement and in the submission of the accounts to the Comptroller." The income of the Local Fund throughout the State in 1915-16 was twelve lakhs seventy-one thousand four hundred and fifty-three rupees, while the expenditure during that year was Rs. 14,26,145. "Out of the current demand during that year about 35 per cent was left uncollected, and out of the arrears 66 per cent remained uncollected. The arrears in the Mysore District exceeded one year's demand, while in the Bangalore District they amounted to nearly two years' demand. The arrears under tolls, and ferries in the Hassan District and under ferries in the Shimoga District were also heavy."

In spite of the above remarks, all the District Boards urge the necessity of the revision of the establishment. The above remarks speak for themselves, and still the Government are in favour of giving us more funds and more powers.

In the light of the above observations I respectfully beg to dissent from my learned colleagues in the Select Committee.

M. BASAVA IYA.

The Mysore Local Boards and Village Panchayets Bill.

(As amended by the Select Committee.)

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SCHEDULE.

A Bill to make better provision for the constitution of Local Boards and Village Panchayets in Mysore.

(As amended by the Select Committee.)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Preamble.

Whereas it is expedient to make better provision for the constitution of local Boards and Village Panchayets to administer the expenditure of District Funds, Taluk Funds and Village Funds in Mysore, and to define and regulate the powers to be exercised by those Boards and Panchayets; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be called "The Mysore Local Boards and Village Panchayets Regulation, 19 ."

Extent.

(2) It shall extend to the whole of Mysore.

Commencement.

(3) It shall come into force at once.

Repeal.

2. The enactments mentioned in the schedule are hereby wholly repealed.

3. In this Regulation—

Interpretation.

[(1) "District" includes such part of a district as the Government may, by notification in the official Gazette, declare to be a district for the pusposes of this Regulation.]

(1) "District" means any local area, which, for the purposes of the collection of land revenue, shall have been placed, for the time being, under the charge of a Deputy Commissioner of a district or which for the purposes of this Regulation the Government may by notification in the official Gazettee from time to time declare to be a district or to be attached to and to form part of a district.

(2) "Deputy Commissioner" includes the Officer in charge of the Revenue Administration of a part of a district declared as aforesaid to be a district for the purposes of this Regulation.

[(3) "Taluk" includes a sub-division of a taluk declared by the Government, by notification in the official Gazette, to be a Taluk for the purposes of this Regulation.]

(3) "Taluk" means any part of a district which may be declared to be a taluk under the Mysore Land Revenue Code and includes the sub-division of a taluk declared by Government by notification in the official Gazette for the purposes of this Regulation.

(4) "Local Board" means any District Board or Taluk Board constituted under this Regulation.

(5) "Village" means a local area recognized by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village as well as a group of [such] villages, but shall not include a local area constituted into a Municipality under the Mysore Municipal Regulation.

(6) "Village Panchayet" means a body of persons constituted under this Regulation for a village.

[(7) "Prescribed day" means such day as the Government may, from time to time, prescribe.]

CHAPTER II.

CONSTITUTION OF DISTRICT AND TALUK BOARDS.

Establishment of Taluk and District Boards.

4. The Government may, with effect from such date as it may appoint, establish, by notification in the official Gazette for each taluk a Taluk Board having authority over the taluk, and for each district a District Board having authority over the entire district, provided that such portions of a taluk or district as are included in a Municipality shall be excluded from the jurisdiction of the Taluk or District Board.

Number and appointment or election of members.

5. [Each] *Every* Local Board shall consist of—

(*a*) elect[ive]*ed* members and

(*b*) such persons, if any, as the Government appoints either by name or *by* official designation who shall be called "nominated members."

Provided that the number of elect[ive]*ed* members in a District Board shall be not less than two-thirds of the whole Board, and in a Taluk Board not less than one-half of the Board;

Provided also that each Local Board shall consist of such number of members not less than [six] *twelve in the case of a District Board and not less than six in the case of a Taluk Board* as the Government may fix in this behalf.

Consequence of District Board coming into existence.

[6. When a District Board comes into existence under section 4 for any local area, the following consequences shall ensue, namely—

(1) The rules published with the Chief Commissioner's Notification No. 110, dated the 4th July 1874, shall cease to apply to such local area, but not so as to render invalid anything done in accordance therewith.

(2) The District Committee constituted under the aforesaid Rules shall cease to exist.

(3) All property of whatever kind and all institutions committed to the management of the said Committee under the aforementioned Rules, shall vest in the District Board for the purposes of this Regulation, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting such property and institutions.

(4) All rules and orders made under the aforesaid Rules, and all other rules, if any, in force and relating to any of the matters hereinafter dealt with, shall, so far as they are consistent with this Regulation, be deemed to have been made hereunder.

(5) When more than one District Board shall be established for the area within the jurisdiction of a District Committee, the assets and liabilities of the latter shall be distributed among such District Boards in such proportion as may be deemed most equitable by the Government.]

Election or appointment of President and Vice-President.

6. (1) *A member of every Local Board shall be elected or appointed to be President of the said Board; and any other member may be elected or appointed to be Vice-President.*

Provided that if a member is appointed President, the Board shall elect one of its members to be a Vice-President:

Provided also that it shall be competent to Government to appoint a Vice-President if the Board fails to elect one of its members to be the President in accordance with rules framed in this behalf.

The President and Vice-President of a Local Board shall hold office for such term as the Government may, by a rule under this Regulation fix.

(2) The Government shall determine, as regards each Board, or as regards any class of Boards, whether the President or Vice-President shall be appointed by virtue of his office or by name or shall be elected.

7. (1) Every Local Board shall be a body corporate by the name of *the Local Board of* the local area for which it shall have been established and over which it has authority, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, to transfer any moveable property and, with the previous sanction of the Government, any immoveable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Incorporation of Local Boards.

[(2) But nothing herein contained shall empower any Board to raise loans for any of the purposes of this Regulation, without the previous sanction of the Government.]

Loans by Local Boards.

(2) *Any Local Board may, with the previous sanction of Government, raise loans for any of the purposes of this Regulation.*

CHAPTER III.

POWERS AND DUTIES OF LOCAL BOARDS.

[*Powers and Duties of Local Boards.*]

8. Every District Board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, provide for the control and administration of the following matters within the area subject to its authority:

Matters to be controlled and administered by District Boards.

(*a*) the construction, repair and maintenance of public roads and other means of communication;

(*b*) the planting and preservation of trees on the sides of roads and on other public ground;

(*c*) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, travellers' bungalows, musafirkhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions;

(*d*) the construction and repair of public wells, tanks, and water works, the supply of water from them and from other sources, [irrigation and drainage works,] and the preservation from pollution of water for drinking and cooking purposes;

(*e*) the establishment and maintenance of such relief works in time of famine or scarcity as may be entrusted to the charge of the District Board by the Government;

(*f*) the establishment and management of cattle-pounds, including such functions of the Government and the Magistrate of the District under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, as may be transferred to the District Board by the Government;

(*g*) the management of such public ferries as may be entrusted to its charge;

(*h*) the institution, holding and management of agricultural and industrial exhibitions [and demonstration farms];

(*i*) the maintenance of any building or other property which is vested under this Regulation in the District Board, or may be placed by the Government under the management of that Board; and

(*j*) any other local works or measures likely to promote the health, comfort, convenience, interest or welfare of the public. [or the agricultural or economic improvement of the district.]

Matters which may be controlled or administered by the Local Boards.

9. *Local Boards may, at their discretion, provide out of their fund, either wholly or partly for,*

(1) *irrigation and drainage works,*

(2) *demonstration farms,*

(3) *encouragement of industries and*

(4) *any other measure intended to promote agricultural or economic improvement of the district,*

Relative duties of Taluk and District Boards.

[9.] *10.* (1) Subject to the control of the District Board and to such rules as may be framed by Government in this behalf, every Taluk Board shall, within the area [over which it has] *subject to its* authority, have the control and administration of all purely local road works and buildings maintained at its cost and also of all local services and institutions except such as the District Board may think fit to take under its own direct control and administration.

(2) In respect of roads, works, buildings, services and institutions in the control and administration of the District Board, every Taluk Board shall, if the District Board so desires, be the agent of the District Board and as such agent, shall exercise such authority and perform such duties as the District Board may from time to time in writing delegate to it [Such delegation shall be subject to any] *under* rules [which may be] framed by the Government in this behalf.

Transfer by Government of certain institutions to Local Boards.

[10.] *11.* The Government may, at any time with the consent of the Local Board, transfer to such Board the management of any institution not otherwise provided for by this Regulation, and it shall thereupon be lawful for such Board to undertake the management thereof :

Provided that in every such case, the funds necessary for such management shall be placed at the disposal of such Board by the Government.

Power to pass and submit resolutions.

[11.] *12.* A Local Board may, subject to [the rules framed by the Government] *such restrictions and conditions as may be imposed by Government by rules framed* in this behalf, pass and submit for the consideration of Government resolutions on questions connected with the [general] administration of the district or taluk as the case may be.

[*Relations of Taluk Boards and District Boards.*]

Taluk Boards to submit annual statements, estimates, etc., to District Boards.

[(12.)] *13.* Every Taluk Board shall submit annually to the District Board of its district, on or before such date as the said *District* Board may appoint in this behalf, a statement of the requirements, and an estimate of the probable receipts and expenditure, of the Taluk Board for the coming official year, and a report of its proceedings, and an account of its receipts and expenditure for the past official year; and shall also submit to the District Board such other reports, if any, as the said Board may from time to time require.

The estimate of the receipts and expenditure so submitted shall be passed, rejected or modified by such authority and under such conditions as Government may prescribe, by rules framed in this behalf.

Power to reverse or vary resolution of Taluk Board,

[13.] *14.* A District Board may, by a majority of two-thirds of its whole number, reverse or vary any resolution of a Taluk Board within its district *within three months from the date of the receipt of such resolution after recording its reasons therefor.*

Power to provide for performance of duty in default of Taluk Board.

[14.] *15.* If the Taluk Board makes default in the performance of any duty imposed on it by or under this Regulation, the District Board may, by order in writing, fix a period for the performance of the duty:

If the duty is not performed within that period, the District Board may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance out of the Taluk Fund [appropriated to or for the purposes of the Taluk Board.]

Power to declare Taluk Boards independent.

[15.] *16.* (1) The Government may, from time to time, by notification in the official Gazette, declare any Taluk Board established under this Regulation to be an independent Board, and may in like manner cancel such notification.

(2) A Taluk Board so declared shall, while the notification is in force, so far as may be, have, within the area subject to its authority, the powers, perform the duties, and be subject to the liabilities, of a District Board under this Regulation, and shall cease to be the agent of, and under the control of, the District Board.

Joint Committees.

[16.] *17.* (1) A [District] *Local* Board may, from time to time, concur with any other [District] *Local* Board or with any Municipal [Committee] *Council* or with more than one such Board or [Committee] *Council* in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or [Committees] *Councils* concerned, and in framing or modifying regulations as to the proceedings of any such Joint Committee.

Joint Committees.

(2) If any dispute arises between two or more [Boards or Committees] *local authorities* acting under this section, the decision thereon [of the Deputy Commissioner, if the Boards or Committees are in the same district, or of the Government, if they are not in the same district,] shall [be final] *rest with Government:*

Provided that the Government may delegate its power under this section to such officer in such matters and to such extent as may be prescribed by rules framed in this behalf.

Conduct of Business.

[17. (1) A member of every Local Board shall be elected or appointed to be President of the said Board; and any other member may be elected or appointed to be Vice-President:

Election or appointment of President and Vice-President.

Provided that if a member is appointed President, the Board shall elect one of its members to be a Vice-President.

The President and the Vice-President of a Local Board shall hold office for such term as the Government may, by a rule under this Regulation, fix.

(2) The Government shall determine, as regards each Board, or as regards any class of Boards, whether the President and Vice-President shall be [persons] appointed by virtue of their office, or by name, or shall be elected.]

18. [3.] (*1*) At every meeting of a Local Board, the President, or in his absence, the Vice-President, shall preside. If, when any meeting is held, the offices of President and Vice-President are both vacant, or the President and Vice-President are both absent from the meeting, the members present shall [appoint] *choose* one of their number to preside thereat.

Who to preside at meetings.

[4.] (*2*) The [Sanitary Commissioner,] *Principal Sanitary Officer and* the Principal Medical Officer of the District, the Executive Engineer and the [Inspector or Deputy] *District* Inspector of Schools [of the Circle] shall be entitled, if they be not already members, to attend any meeting of a Local Board and to address such Board on any matter affecting, respectively, *sanitation and* medical aid [and sanitation,] public works and public instruction; and shall furnish their advice in matters concerning their respective Departments whenever called upon to do so by the Local Board.

Certain officers entitled to attend and speak.

[18.] *19.* Every resolution passed by a Local Board, at a meeting shall be recorded in a book to be kept for the purpose, and shall be signed by the President *the Vice-President* or the member [who presided] *presiding* at such meeting or at the next ensuing meeting.

Proceedings to be recorded.

A copy of every resolution passed by a Taluk Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Board and to the Deputy Commissioner.

A copy of every resolution passed by a District Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner, who shall submit the same to Government with his remarks, if any, and the Government may pass such orders thereon as it may think proper and may also direct its publication in the official Gazette.

[19.] *20.* Every [District] *Local* Board, [and, with the previous sanction of the District Board, every Taluk Board,] may, from time to time, make rules as to the time and place of its meetings, the conduct of proceedings at meetings, and the appointment, powers and proceedings of Committees;

Rules as to meetings and proceedings.

Provided that no rule made under this section shall be inconsistent with this Regulation or with any rules made by the Government under this Regulation.

Proviso.

Officers and Servants.

[20.] *21.* (1) *Subject to such rules as may be framed by Government from time to time in this behalf,* every [District] *Local* Board may employ such officers and servants as may be necessory and proper for the efficient execution of its duties and may assign to them such pay, [leave] allowances, gratuities and pensions as it thinks fit.

Employment of officers and servants.

[(2) Every Taluk Board may employ such officers and servants and may assign to them such pay, leave allowances, gratuities and pensions as the District Board of its district thinks requisite and sufficient.]

[(3)] (*2*) In the case of an officer lent by the Government, the Local Board shall make such contributions as the Government may direct to any [leave] allowance, gratuity or ~~person~~ pension which he may become entitled to in accordance with the rules for the time being in force.

[(4) If, in the opinion of the Government,—

(*a*) the number of persons employed by a Local Board, under this section, or the pay, allowances, gratuities or pensions assigned by the Local Board to those persons or to any particular person, is or are excessive, or

(*b*) any such person is unfit for his employment, the Local Board shall, on the requirement of the Government, reduce the number or remuneration, or, as the case may be, dismiss the unfit person.]

Vesting of Property.

[21.] *22.* The Government may, from time to time, by notification in the official Gazette, direct that any property, moveable or immoveable, which is vested in the Government, shall vest in any Local Board; and thereupon that property shall vest in that Board for the purposes of this Regulation, subject to all rights over, and all debts, liabilities and obligations (if any) affecting that property.

Power to vest property in Local Board.

Finance.

[22.] *23.* (1) There shall be formed for each district a fund to be called the District Fund, and there shall be placed to the credit thereof unless otherwise appropriated under this Regulation:—

Constitution of District Fund.

(i) such portion of the local cess on land revenue and of other local rates as the Government may, from time to time, assign for expenditure by District Boards in the district;

[(ii) a railway cess imposed with the previous sanction of Government at a rate not exceeding six pies in the rupee on all items of revenue on which local cess is levied, to be recovered in the same manner as the local cess and to be utilized solely in the construction of tramways and rail roads;]

[(iii)] (*ii*) fines and surplus proceeds of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892;

[(iv)] (*iii*) ferry collections;

[(v)] (*iv*) tolls upon carriages, carts or animals passing along roads and bridges vested in the District Board, subject to such rules as to the rates to be levied, the purposes for which the net proceeds shall be applied, and other matters, as the Government may, from time to time, prescribe;

[(vi)] (*v*) tolls and fees leviable under section 35 (1) (*g*).

[(vii)] (*vi*) fees for licenses granted for the temporary erection of pandals and other structures in streets and other public places in a village or for any of the purposes specified in section 35 (1) (*b*) at such rates and recoverable in such manner as may be approved by the Government;

[(viii)] (*vii*) fees for the temporary use of cart-stands and of markets, market-sites, village-sites and other similar public places on the occasion of fairs and festivals, at such rates as may be fixed by the District Board;

[(ix)] (*viii*) rents and profits accruing from buildings and other property vesting in the District Board under sections 6 and 21.

[(x)] (*ix*) the sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board, and of timber fallen or felled therefrom;

[(xi)] (*x*) all sums (including assignment of revenue) assigned to the fund by the Government, or contributed thereto by local bodies or private persons; *and*

[(xii)] (*xi*) all sums received by the District Board in the execution of this Regulation; [and]

[(xiii) special cess levied with the previous sanction of the Government for guaranteeing repayment of loans raised, or for accumulating funds for any specified purpose under this Regulation.]

(2) The District Fund shall be vested in the District Board, and the balance standing to the credit of the fund shall be kept in the Government Treasury of the district.

Custody of District Fund.

(3) The District Board may, from time to time, with the previous sanction of the Government, invest any portion of the District Fund in securities of the Government of India or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment [for others of the same nature,] *with the like sanction* or dispose of them. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the District Fund. It shall also be lawful for the District Board to deposit at interest with the like sanction in any bank in [or outside] Mysore any surplus funds in its hands.

Investment of District Fund.

24. The District Board may also levy with the previous sanction of Government and subject to such rules as may be framed by Government in this behalf—

Power of District Board to Levy a Railway or Special Cess.

(a) *a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied to be utilised solely in the construction of tramways and railroads, and*

(b) *a cess for guaranteeing the repayment of the loans raised for a specified purpose under this Regulation;*

Provided that the cess (in either case) shall not be levied unless the levy thereof is determined by a resolution of the District Board supported by not less than three-fourths of the members present at a meeting specially convened in that behalf, such resolution being confirmed after a period of three months by a like majority at a like meeting.

[23.] *25* (1) In every taluk, there shall be constituted a fund, which shall be called the Taluk Fund, and there shall be placed to the credit thereof, [unless otherwise appropriated under this Regulation.]

Constitution of Taluk Fund.

(i) such portion, being not less than one-half as may, from time to time, be prescribed by the Government, of the local cess levied in the taluk;

(ii) the sale proceeds of all property vested in the Taluk Board;

(iii) all sums assigned to the fund by the Government or the District Board or contributed thereto by local bodies or private persons;

(iv) all sums received by the Taluk Board in the execution of this Regulation;

[(v) special cess levied, with the previous sanction of Government for guaranteeing repayment of loans raised, or for accumulating funds for any specified purpose under this Regulation;] and

[(vi)] (*v*) other sums apportioned by rules made by Government under this Regulation.

(2) The Taluk Fund shall be vested in the Taluk Board and the balance standing to the credit of the fund shall be kept in the Government treasury of the taluk.

Custody of Taluk Fund.

(3) The Taluk Board may, from time to time, with the previous sanction of the Government, invest any portion of the Taluk Fund in securities of the Government of India or such other securities as the Government may, from time to time, approve in this behalf and vary such investments [for others of the same nature] *with the like sanction* or dispose of them. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Taluk Fund. It shall also be lawful for the Taluk Board to deposit at interest with like sanction, in any bank in [or outside] Mysore any surplus funds in its hands.

Investment of Taluk Fund.

26. *The Taluk Board may also levy with the previous sanction of Government and subject to such rules as may be framed by Government in this behalf—*

Power of Taluk Board to levy a railway or special cess.

(a) *a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied to be utilised solely in the construction of tramways and rail roads, and*

(b) *a cess for guaranteeing the repayment of the loans raised for a specific purpose under this Regulation:*

Provided that the cess (in either case) shall not be levied unless the levy thereof is determined by a resolution of the Taluk Board supported by not less than three-fourths of the members present at a meeting specially convened in that behalf, such resolution being confirmed after a period of three months by a like majority at a like meeting.

[24.] *27.* (1) The District Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters, specified in sections *8*, *9*, [10] *11* [20] and *21.* within the area subject to the authority of the District Board. and, with the sanction of the Government, outside of that area, [and also to the following purposes:—] *to the payment of the expenses attending the audit of the accounts of the Local Boards as hereinafter provided.*

Purposes to which the District Fund shall be applicable.

[the payment of such portion of the cost of—

(*a*) the clerical, supervising and auditing establishments employed in the offices of Government, the Comptroller and the Deputy Commissioners of Districts in connection with the operations of Local Boards and of

(*b*) the Provincial Departments for education, medical aid, sanitation, vaccination and public works.

as may be held by the Government to be equitably debitable to the District Board in return for services rendered by the said establishments and departments.]

(2) The Taluk Fund shall be applicable to the payment, in whole or in part, of the charges incidental to the several matters, specified in sections 9, 10 and 20, 21 within the area subject to the authority of the Taluk Board.

Purposes for which the Taluk Fund shall be applicable.

[25.] *28.* (1) Every District Board shall appoint a Finance Committee consisting of not less than three of its number.

Appointment of Finance Committees.

(2) Every District Board shall, on or before the prescribed day in each year, hold a meeting at which the Finance Committee shall submit to the Board, in such form as the Government may, from time to time, by rule, prescribe an estimate of the income and expenditure of the Board for the next official year.

Annual estimates of income and expenditure.

(3) The District Board shall consider the estimate, and may approve of it with or without modification.

(4) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to [pass, or to reject, or to modify, all or any of the items entered in the estimate] *sanction the estimate with such modification, if any, as it deems fit*; and no expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more supplemental estimates.

[26.] *29.* Accounts of all the receipts and expenditure of every Local Board shall be made up to the last day of every official year, in such form as the Government from time to time prescribes, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government from time to time appoints in this behalf.

Annual accounts and audit.

[27.] *30.* The Local Board shall cause a copy of every estimate approved under section 25 and of every account made up under section 26 to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Inspection of estimate and accounts.

[28.] *31.* An abstract of every annual account of a Local Board, showing [the] *its* income [of the District Fund and Taluk Fund] under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent, shall be prepared by the Local Board in such form as the Government, from time to time, prescribes, and published annually in the official Gazette in English and in [Kanarese] *Kannada*.

Publication of abstract of accounts.

CHAPTER IV.

CONTROL

[29] *32.* (1) The Deputy Commissioner of a District shall have power to supervise the proceedings of every Local Board or Joint Committee, in the district, and in the exercise of that power may (among other things):—

Deputy Commissioner's power of supervision.

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by the Local Board or *Joint* Committee, or any work in progress under its direction;

(*b*) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the Local Board or *Joint* Committee; and

(*c*) require the Local Board, or *Joint* Committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of several districts, the Deputy Commissioner of any of those districts may exercise a like power in respect of the proceedings of that Committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Government, [whose decision shall be final] *for its decision.*

(3) The power given under this section to a Deputy Commissioner may, with the sanction of the Government, be delegated by him, in respect of a Local Board to a subordinate officer not below the rank of an Assistant Commissioner.

Delegation of Deputy Commissioner's power to subordinate officer.

[30] *33.* (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Local Board or Joint Committee, or the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.

Powers to suspend execution of orders, etc.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as it thinks fit.

[31] *34.* (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Local Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the Local Board.

Extraordinary powers of Deputy Commissioner in cases of emergency.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the District Fund or Taluk Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he uses the powers given to him by this section.

[32] *35.* (1) When the Government is informed on complaint made or otherwise that a District Board has made default in performing any duty imposed on it by or under this Regulation, the Government, if satisfied after due enquiry that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

Power to provide for performance of duties in default of District Board.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

[33] *36.* (1) If a Local Board is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Government may by an order published, with the reasons for making it, in the official Gazette, declare the Local Board, to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Power to supersede Local Board in case of incompetency, default or abuse of powers.

(2) When a Local Board is so superseded, the following consequences shall ensue:—

Consequences of supersesion of Local Board.

(*a*) all members of the Local Board shall, as from the date of the order, vacate their office as such members;

(*b*) all powers and duties of the Local Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf;

(*c*) where a local Board is superseded, all property vested in it shall, during the period of supersession, vest in the Government *subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.*

(3) On the expiration of the period of supersession specified in the order, the Local Board shall be re-established by appointment or election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

RULES.

[34] *37.* The Government may, from time to time, make rules consistent with this Regulation, and with reference (if necessary) to the varying circumstances of different local areas,—

Power to make rules under Regulation.

(*a*) as to the strength of each Local Board, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment, term of office, removal, retirement, and remuneration and allowances (if any) of members and the filling of casual vacancies;

(*b*) as to the conduct of proceedings of Local Boards, including the *elections* appointment and powers of the President and of the Vice-President, the fixing of a quorum, the giving of the casting vote in cases of equal division, the minimum number of meetings to be held and the maximum interval between successive meetings, the formation of Committees and the delegation of powers to such Committees;

(*c*) as to the respective duties and responsibilities and mutual relations of District Boards and Taluk Boards and as to the matters in regard to which and to the extent to which the orders of a Taluk Board shall be subject to appeal to or to revision by the District Board;

(*d*) as to the mode of entering into and executing contracts and transfers of property on behalf of Local Boards, and the authority on which money may be paid from the Funds at the disposal of the Local Boards;

(*e*) as to the appointment and payment of auditors of the accounts of Local Boards;

(*f*) as to the apportionment of the District Fund between the general purposes of the district and the purposes of particular parts of the district and the appropriation of funds raised in a particular area to the purposes of that area

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of Local Boards and of

estimates of receipts and expenditure, and the authority by whom, and the conditions subject to which, such plans and estimates for works and estimates of receipts and expenditure may be sanctioned;

(*h*) as to the agency by which works partly or wholly *to be* constructed at the expense of Local Boards shall be executed [and]

(*i*) as to the submission of resolutions on questions connected with the [general] administration of the district *and taluk, and*

(*j*) generally, for the guidance of Local Boards, Committees, and Government Officers in all matters connected with the administration of this Regulation and for settling their relations to one another.

[35] *38.* (1) The District Board may, from time to time, with the previous sanction of the Government and with raference to the varying circumstances of different areas subject to its authority, make, alter or rescind bye-laws, but not so as to render them inconsistent with this Regulation or with any other general or special law;

Power of District Boards to make bye-laws.

(*a*) for the general or special regulation, inspection and control of musafirkhanas, markets, slaughterhouses, all places used by or for animals which are for sale or hire or the produce of which is sold, all places used for offensive or dangerous trade, cart-stands and burial and burning grounds as also for regulating the conduct of business therein and for fixing the rents and other charges to be levied for the use of any of them which belong to the District Board;

For markets, slaughterhouses, etc.

(*b*) requiring licenses to be taken and prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which such licenses may be granted, refused, suspended or withdrawn for the use of any place not belong to the District Board—

For licensing, regulating and inspecting certain business.

(i) as a slaughterhouse;

(ii) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables;

(iii) as a cart-stand;

(iv) for any of the purposes mentioned hereunder:—

(1) for boiling or storing offal, blood, bones or rags,
(2) for salting, curing and storing fish,
(3) for storing hides. horns or skins,
(4) for tanning,
(5) for the manufacture of leather or leather goods,
(6) for dyeing,
(7) for melting tallow or sulphur,
(8) for washing or drying wool or hair,
(9) as a brick, pottery or limekiln,
(10) for soap making,
(11) for extracting oil by boiling,
(12) as a manufactory of sago,
(13) as a distillery,
(14) for storing hay, straw, fodder, wood, coal or other combustible material,
(15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells arise or which may involve risk of fire,

prescribing the fees payable in respect of such licenses and providing for the inspection and regulation of the conduct of business in any place used as aforesaid so as to secure cleanliness therein or to minimize any injurious, offensive or dangerous effect arising or likely to arise therefrom;

(*c*) directing that no place shall be used as a market or shop for the sale of animals, meat, fish, fruit or vegetables intended for human food or as a slaughter-house or as a cart-stand or as a burial and burning ground or for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), excepting the public markets or slaughterhouses or cart-stands or burial and burning grounds constructed or opened or places set apart for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), by the District Board, or such other markets or slaughterhouses or cart-stands or places for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*) as may have been licensed in writing by the District Board ;

For prohibiting use of other than public or licensed markets, slaughterhouses, etc.

providing for the inspection of hotels, bakeries, sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (*b*) and for securing the cleanliness of such places and the wholesomeness of the articles prepared, kept or sold therein ;

For inspecting hotels, etc.

(*e*) regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells ;

For preventing nuisances in regard to water-supply ;

(*f*) preventing nuisances affecting the public health, safety or convenience ;

for preventing nuisance to public health ;

(*g*) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, along or over any road except on payment of such fees or tolls and under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally or in special licenses to be granted in each case.

For controlling unwieldy traffic.

(*h*) *Providing for the inspection of persons travelling by railway or otherwise, and the segregation in hospital, temporary accommodation or otherwise of persons suspected of being infected or infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof.*

Inspection of travellers and segregation of infected persons, etc.

Any person infringing any bye-laws made under this Regulation shall *on conviction before a Magistrate* be punished with fine not exceeding fifty rupees for each offence, and in case of a continuing offence with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board.

Infringement.

(2) The District Board shall, before making any bye-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration and shall, before making the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Publication of drafts of proposed bye-laws.

(3) When any bye-law made by the District Board is submitted to Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

Objections and suggestions to be submitted to Government.

(4) The Government may sanction any such bye-law with such modifications as it may think fit, and may at any time cancel or withdraw its sanction to any such bye-law and thereupon the bye-law shall cease to have effect.

Government may sanction any bye-law or cancel its sanction.

[36] *39.* All rules made by the Government under this Regulation shall be published in the official Gazette both in English and in [Kanarese] *Kannada.*

Publication of rules.

CHAPTER V.

Exceptional and Supplemental Provisions.

40. (1) *The President of a Local Board, or any person duly appointed by him in writing in this behalf, may enter at any time, after two hours' notice into any building or premises in which any dangerous infectious disease is reported or suspected to exist, for the purpose of inspecting such building or premises.*

President of a Local Board to have power of entry to buildings, etc., where infectious disease exists.

(2) *No such inspection shall be made except in the hours between sunrise and sunset.*

Hours of Inspection.

(3) *If the President or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein, likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice. Provided that if the President or such person considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the said President or such person may himself cause such building, premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by the President or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with the said requisition.*

41. (1) *The President of a Local Board shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectious disease may be washed or disinfected.*

President to notify places for washing and disinfecting.

(2) *The President may direct the destruction of bedding, clothing or other articles likely to retain such infection, and shall on demand give compensation for articles destroyed.*

Infected articles may be destroyed.

(3) *Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1) of this section, shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees fifty.*

Penalty.

[37.] *42.* (1) If the circumstances of any district or part of a district are in the opinion of the Government such that any of the provisions of this Regulation are unsuited thereto, the Government may, by a notification in the official Gazette, except the district or part of the district from the operation of those provisions, and thereupon those provisions shall not apply to the excepted district or part of the district until again applied thereto by a subsequent notification of the Government.

Power under special circumstances to except district from operation of Regulation,

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Regulation to which the notification applies. Such rules, when published in the official Gazette, shall have the force of law.

Power to make rules in relation to notification under sub-section (1).

[38.] *43.* Where any land is required for the purposes of this Regulation, the Government may, at the request of the Local Board, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894; and, on payment by the Local Board of the compensation awarded under that Regulation and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Local Board.

Acquisition of land.

[39.] *44.* (*a*) If any member, officer or servant of a Local Board, or Joint Committee appointed under this Regulation is, otherwise than with the permission in writting of the Deputy Commissioner, directly or indirectly interested in any contract made with that Board or Committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Penalty on member, officer or servant being interested in contracts made with Local Board or Committee.

(*b*) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered Company, be held to be interested in any contract entered into between the Company, and a Board or Committee, but he shall not take part in any proceedings of the Board or Committee relating to any such contract.

[40.] *45.* Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Local Board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a Local Board and a suit for compensation for the same may be instituted against him in any Court of competent jurisdiction by the Local Board with the sanction of the Government.

Liability of member for loss, waste or misapplication of property.

[41.] *46.* No action shall be brought against any Local Board or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff;

Restrictions with respect to actions against Local Boards.

[And unless such notice be proved, the Court shall find for the defendant;]

And every such action shall be commenced within six months next after the accrual of the cause of action, and not afterwards;

And if any person to whom any such notice of action is given shall, before action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

[42.] *47.* No act of a Local Board, or of any Committee, or of any person acting as a President, Vice-President, or member, shall be deemed to be invalid by reason only of some defect in the establishment of such Board, or Committee or on the ground that any member of such Board, or Committee was disqualified for such office, or by reason of such act having been done during the period of any vacancy in the office of President, Vice-President, or member of such Board, or Committee.

Acts of Boards, etc., not to be invalidated by informalities.

CHAPTER VI.

Village Panchayets.

[43.] *48.* The Government may, with effect from such date as it may [appoint] *fix*, establish, by notification in the official Gazette, for [each] any village, a Village Panchayet having authority over the village: [Provided that where the rights of the holder of an alienated village to the enjoyment of Mohatarfa are affected by the constitution of a Village Panchayet, the Panchayet shall be constituted subject to such conditions and restrictions as may be imposed by the Government.

Establishment of Village Panchayet.

Provided that in the case of an alienated village the rights, if any, of the holder of such village to the enjoyment of Mohatarfa or any other item or Revenue shall not be affected by the constitution of a Village Panchayet in such village.

[44.] *49.* (1) Each Village Panchayet shall consist of such number of members not less than five and not more than [nine] *twelve* as the Government may fix in this behalf.

Number and appointment of members,

(2) Each Panchayet shall consist of—

(*a*) elect[ive]*ed* members and

(*b*) such persons, if any, as the Government appoints either by name or by official designation who shall be called "nominated members;"

Provided that the number of elect[ive]*ed* members in a Village Panchayet shall be more than one-half of the whole Village Panchayet; and

[Provided also that each Village Panchayet shall consist of such number of members not less than three, and not more than seven as the Government may fix in this behalf.]

[45.] *50.* (1) The Patel shall be *ex-officio* member of the Panchayet.

Patel to be *ex-officio* member.

[(2) If more than one village is included in the area for which a Village Panchayet is constituted, the Government shall declare whether the Patels of all or which of such villages shall be members of the Panchayet.]

(2) *If more than one village is included in the area for which a Village Panchayet is constituted, the Patel of each such village shall be an* ex-officio *member of the Panchayet.*

[46.] *51.* (*a*) [A member of every Village Panchayet shall be elected to be Chairman of the said Village Panchayet.] *Subject to such rules as may be framed by Government in this behalf, a member of every Village Panchayet shall ordinarily be elected to be Chairman of the said Village Panchayet.*

Election of Chairman of Village Panchayet.

Provided that in special cases in which the Chairmen is not elected it shall be competent to the Deputy Commissioner to appoint a member of any Village Panchayet to be a Chairman thereof.

The Chairman of a Village Panchayet shall hold office for such term as the Government may by a rule under this Regulation fix.

(*b*) At every meeting of a Village Panchayet, the Chairman shall preside, and in his absence the members of the Village Panchayet present shall [appoint] *choose* one of their number to preside thereat.

[47.] *52.* (*a*) Every resolution passed by a Village Panchayet at a meeting shall be recorded in a book to be kept for the purpose and shall be signed by the Chairman or the member who presided at such meeting or at the next eusuing meeting.

Proceedings to be recorded.

(*b*) A copy of every resolution passed at a meeting shall within three days from the date of the meeting be forwarded to the President of the Taluk Board.

[48.] *53.* Subject to the rules framed by Government in this behalf, every Village Panchayet may employ such officers and servants and may assign to them such pay, [leave] allowances, gratuities and pensions as [the Taluk Board] *it* thinks requisite and sufficient.

Employment of officers and servants.

[49.] *54.* Every Village Panchayet shall, in the area under its authority, be under the control of the Taluk Board and shall have such authority and discharge such duties in respect of all or any of the following matters according to rules which may be made by Government from time to time—

Duties of Village Panchayets.

(*a*) the construction, repair and maintenance of village roads including cart-tracks.

(*o*) the planting and preservation of trees on the sides of roads and other public ground;

(*c*) the lighting of the public roads;

(*d*) cleansing the public roads, drains, tanks, wells and other public places in the village;

(*e*) carrying out improvement work like the following:—

(i) constructing and repairing such tanks and wells and other works as will supply the inhabitants of the village with a sufficient supply of water for domestic use;

(ii) taking of measures tending for the improvement and assistance of agriculture, rural industries and trade;

(iii) providing facilities for travellers;

(iv) all other communal work connected with education, irrigation, pasture lands, village forests, village courts and any other local works or measures not otherwise provided for in this Regulation and likely to promote the health, comfort, convenience, education and interests of the public or the agricultural or industrial prosperity of the village; and

(v) any other matter which the Government may declare to be fit and proper to be taken under the control and administration of the Village Panchayet.

Property under the control of the Village Panchayet.

[50.] *55.* To enable the Village Panchayet to carry out the purposes of this Regulation all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, unless specially excepted by the Taluk Board, shall be under the control and direction of the Village Panchayet, and the Taluk Board may place under the control and direction of the Village Panchayet any other property or any institution which is under the control of such Taluk Board.

Finances of Village Panchayets.

[51.] *56.* There shall be formed for each Village Panchayet a fund to be called the Village Fund and there shall be placed to the credit thereof:—

(*a*) such portion of the local cess and Mohatarfa tax as the Government may from time to time assign for expenditure by Village Panchayets in the district,

(*b*) a tax on houses *and shops* situated within any village not exceeding the rates to be notified by Government generally for all Village Panchayets or class of Village Panchayets or for any Village Panchayet *and subject to such rules as may be prescribed by Government in this behalf*,

(*c*) fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892;

(*d*) tax on vacant sites and *hittals* within the village, and

(*e*) all sums assigned to the Fund by the Government or contributed thereto by local [bodies] *authorities* or private persons.

Power to levy cess.

[52.] *57.* A Village Panchayet may also levy, with the previous sanction of Government and subject to such rules as may be framed by Government in this behalf, a cess for any purpose specified in Section [48] ~~53~~ *49 57*

Provided that the levy of the cess is agreed to by not less than [three-fourths] *four-fifths* of the members constituting the Panchayet.

The cess so levied shall be credited to the Village Fund.

Purposes to which the Village Fund shall be applicable.

[53.] *58.* The Village Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections [48] *53* and [49] *54* within the area subject to the authority of the Village Panchayet.

Provided also that the Village panchayet may, with the consent of the person from whom the cess is leviable, commute the payment of such cess into a contribution of labour not exceeding eighteen days' labour in a year, at such intervals, for such period of time and under such conditions as may be prescribed by rules framed by Government in this behalf.

[54.] *59.* (*a*) Every Village Panchayet shall submit annually to the Taluk Board of its taluk, on or before such date as the said Board may appoint in this behalf, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.

Annual Budget of Village Panchayets.

(*b*) Every such budget shall be scrutinised and passed by the Taluk Board.

[55.] *60.* The Government may by notification apply to any Village Panchayet all or any of the provisions of sections [14 20 (4), 29 to 33, 39, 40 and 42] *15, 32 to 36, 44, 45 and 47,* of this Regulation with such modifications, if any, as it may think fit.

[Power to provide for performance of duty in default of Village Panchayets, powers of Deputy Commissioner and Government as regards] *Special powers of* supervision and control.

[56.] *61.* (1) Every Village Panchayet shall, subject to the provisions of this Regulation, be the agent and under the control of the Taluk Board;

Control of Village Panchayet.

(2) and the Taluk Board, and not the Village Panchayet, may sue and be sued in respect of any act or omission of the Village Panchayet, giving rise to a cause of action.

Provided that, in cases where it may seem desirable, it shall be lawful for the Government to declare that the powers as regards Village Panchayets [and their Chairmen] conferred by this Regulation on Taluk Boards [and their Presidents,] shall not be exercised by them but by the District Board.

[57. Any Village Panchayet constituted under this Regulation may be invested with all or any of the powers of a Village Court, a Tank Panchayet, a Village Forest Panchayet under the respective Regulations.]

Additional powers with which Village Panchayet may be invested.

[58.] *62.* (1) The Government may from time to time make rules for the purpose of carrying out the provisions of this [Regulation] *chapter.*

Power of Government to frame rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for:—

(*a*) the strength of each Village Panchayet, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment term of office, removal and retirement *of members* and the filling of casual vacancies,

(*b*) the conduct of proceedings of Village Panchayets, including the appointment and the powers of the Chairman,

(*c*) the [mode of assessment and recovery of house and shop taxes in villages,] *levying of any tax, cess, or other duty under this chapter,* and

(*d*) the guidance generally of Village Panchayets and Government Officers in all matters connected with the administration of the [Regulation] *provisions of this chapter.*

CHAPTER VII.

Recovery of Dues.

63. (1) Where any tax, cess or other dues shall remain unpaid ten days after the same is due the President of the Local Board or Chairman of the Village Panchayet or some person duly authorized in writing in this behalf may serve upon the person or persons liable to pay the tax, cess or other dues a notice in writing in a form to be prescribed by rules framed in this behalf.

Notice of demand for tax, cess or other dues.

Distress.

(2) If such person shall not within fifteen days from the service of such notice of demand upon him pay the sum due, or show cause to the satisfaction of the President or Chairman why the same should not be paid, the President, Chairman or other person duly authorised in that behalf, may levy such sum, with all costs in any of the following ways:—

(i) *by distraint and sale of the moveable property of the defaulter.*

(ii) *if for any reason the distraint or a sufficient distraint of the defaulter's property is wilfully rendered impracticable by the defaulter or by some other person at his instigation, by prosecuting him before a Magistrate, provided that the prosecution shall be stayed as soon as the sum due with all costs is deposited.*

Penalty for wilfully omitting to pay tax or preventing distraint.

(3) Any person bound to pay any tax who shall be prosecuted under this section before a Magistrate shall be liable, on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented a distraint or sufficient distraint to pay a fine not exceeding twice the amount of the tax found to be due, and shall also pay such tax and the costs of the prosecution.

Warrant for distraint.

64. In order to the distraint and sale of property under sub-section 2 of section 63, the President, Chairman or other officer duly empowered in this behalf shall issue a warrant in the form to be prescribed by rules and for each such warrant, a warrant fee of two annas shall be leviable.

Inventory, sale.

65. The President, Chairman or other person duly authorised as aforesaid shall make an inventory of the property distrained and if the amount due is not paid within fifteen days after distraint, the property may be sold.

Receipts to be given for all payments of tax, etc.

66. The President of the Local Board or the Chairman of the Village Panchayet shall give to every person making payment of a tax, cess or other dues a receipt therefor signed by him, or some person duly authorised by him in that behalf. Such receipt shall specify—

(1) the date of the grant thereof.

(2) the name of the person by whom it is granted.

(3) the tax, cess or other dues in respect of which the payment has been made;

(4) the period for which the payment has been made; and

(5) the amount in respect of which it is granted.

Conditions of distraint and sale.

67. Whenever, under the provisions of the Regulation, any property is distrained, seized or sold in consequence of the non-payment of any tax, cess or other dues, such distraint, seizure and sale shall be effected subject to the provisions of section 62 of the Code of Civil Procedure and to the conditions exceptions and exemptions hereinafter provided.

Exceptions.

(i) *The following property shall not be liable to distraint:—*

(a) *the necessary wearing apparel and bedding of the defaulter, his wife and children,*

(b) *the tools of artisans, and*

(c) *Where the defaulter is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the President of the Local Board or the Chairman of the Panchayet under whose authority such seizure is made be necessary to enable the defaulter to earn his livelihood.*

Limit.

(ii) *The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the tax, toll or fees and distraint fee and the probable expenses incidental to the detention and sale of the said property.*

(iii) *When the property seized is subject to speedy and natural decay, and when the expense of keeping it in custody and the amount of the tax due will exceed its value, the person seizing the property shall at once, after seizure of such property give notice to the person in whose possession it was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount due be forthwith paid.*

Perishable property.

(iv) *Any surplus that may remain after deducting the amount of the toll, tax or fee and of the said expenses, including the expenses of the sale, shall be returned on demand, if made within six months to the owner of the property, or if no demand be made within such period shall be credited to the Local Fund.*

Surplus sale proceeds.

68. Nothing herein contained shall preclude the institution of a suit for any amount due under this Regulation.

Recovery of amount due by suit not precluded.

SCHEDULE.

Enactments Repealed.

(See Section 2.)

No. and year	Title or subject
II of 1902 ...	The Mysore Local Boards Regulation.
X of 1911 ...	A Regulation to amend the Mysore Local Boards Regulation, 1902.
V of 1914 ...	A Regulation further to amend the Mysore Local Boards Regulation, 1902.
III of 1915 ...	A Regulation further to amend the Mysore Local Boards Regulation, 1902.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

the 191 .

Date of issue 5th Oct. 1917.

Signed by L. S. Balasundaram
Dyn

Section Legis
File No. 47-16
Serial No. 3

No. Pol. 343/Ex. 6. resp.

To

The F. A. Resident
in Mysore

Sir

I am directed to forward herewith two copies of the Mysore Local Board and Village Panchayets Bill as adopted by the Legislative Council and to request you to be so good as to obtain the sanction of

over.

Government of India

for their its being passed into law. The Statement of Objects and reasons accompanying the Bill and the Report of the Select Committee on the Bill (two copies of each of which are also enclosed herewith) explain clearly the scope of the Bill and the amendments made therein

I have &c

for Secretary to Govt:
G. I. D.

4/10

List of enclosures. 6

Sir Ree
4-10-17

Ree
31/10/17

Copied by

Examined by

W D86--GPB--60,000--15-11-16

J 1575

No. 324.

-10
Chest
47-16
4

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of Mysore,
BANGALORE.

Pol 481
16-1-18

GEN. & REV. SECRETARIAT
III
JUDICIAL
16 JAN 1918

Dated Bangalore, 15 January 1918

SIR,

I am directed to refer to your letter No.343 Pol., dated the 5th October 1917, forwarding a draft Bill to make better provision for the constitution of Local Boards and Village Panchayats in Mysore.

2. In reply, I am to say that the Governor General in Council has been pleased to accord his consent to the draft Bill, on the understanding that he retains over it the power and authority which vest in him by virtue of Article 18 of the Treaty of 1913.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

CAS.

R. O. 2.—R. P. B.—10-1917.—1,000

2. copies

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT..... Promulgation of the Mysore Local Boards and Village Panchayets Regulation as Law.....

Section. Legis
File No. 47-16
Serial No. —

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. J 5222 17

GENERAL AND REVENUE SECRETARIAT,
(,),
, *the*.....*191* .

Ordered that the accompanying Mysore Local Boards and Village Panchayets Regulation which received the assent of His Highness the Maharaja, on the 25th June day of June 191 8 be published as Regulation No. VI of 1918, in the *Mysore Gazette* for general information.

Date of issue..... 29-6-18

Signed by..... M. G. Srinivasa

29/6

for chief *Secretary to Government.*

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of 300 spare copies in English, and 200 spare copies in Kannada to this office, and 200 spare copies in English and 200 spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval ~~before publication~~ Monday the 1st July 1918 before 11 A.M. As the Rules cannot be printed in book form octavo size in the Gazette ~~after the Regs. is published in the gazette~~ the length of each line for the Gazette may be reset to the same as that required for printing the matter in book form octavo size.

in octavo

in octavo

For the Bill with the intimation that the Bill will come into force on the 1st day of July 1918. OK

G. R. S. VI.—S-III/16]

2 DRAFT

SUBJECT.....

Section. Legis
File No. 47-16
Serial No. 76

Diary No. of letter replied to..... ...

No. 220.

To

The First Assistant to the Hon'ble
the Resident in Mysore.

GENERAL AND REVENUE SECRETARIAT,
( )
the.....*191* .

Date of issue...29/8/18.....

Signed by...C. S. Balasubramanya...

SIR,

I am directed to forward herewith 9 copies of the Mysore Local Boards and Village Panchayets Regulation, No VI of 1918.

I have etc.,

Gs 1918

for Chief *Secretary to Government.*

G. R. S. VI.—S-III/16]

2 DRAFTS

SUBJECT.....

Section. Legis
File No. 47-16
Serial No. 6a

Diary No. of letter replied to.....

No. G 4027 Encs 2

To Secretary to the Govt of H.E.H.
~~*The First Assistant to the Hon'ble*~~
the Nizam's Government,
~~*the Resident in Mysore.*~~
Judicial Dept, Hyderabad (Deccan)

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191* .

SIR,

I am directed to forward herewith 2 copies of the Mysore Local Boards and Village Panchayets Regulation, No VI of 1918.

Date of issue 24-8-18

Signed by Asst G. S. Legs

I have etc.,

for Chief *Secretary to Government.*